



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

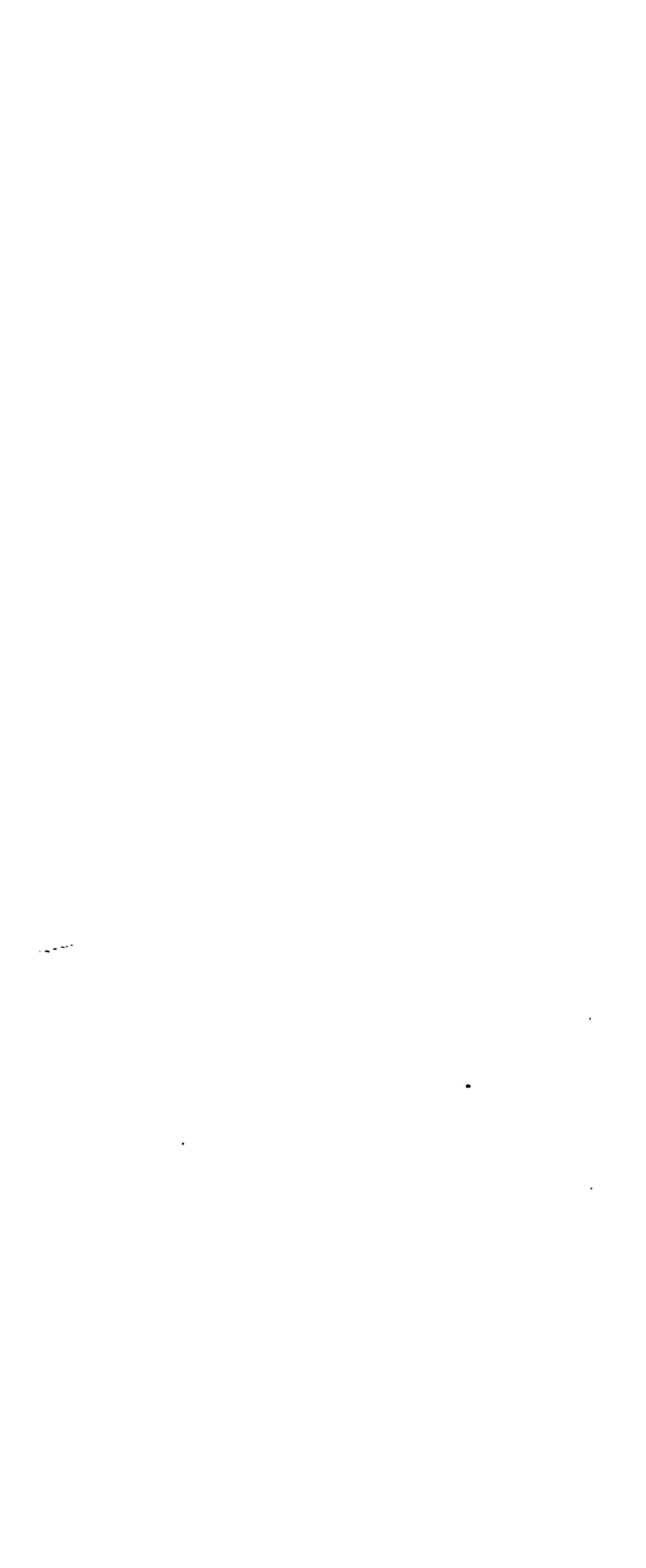
CH LIBRARIES



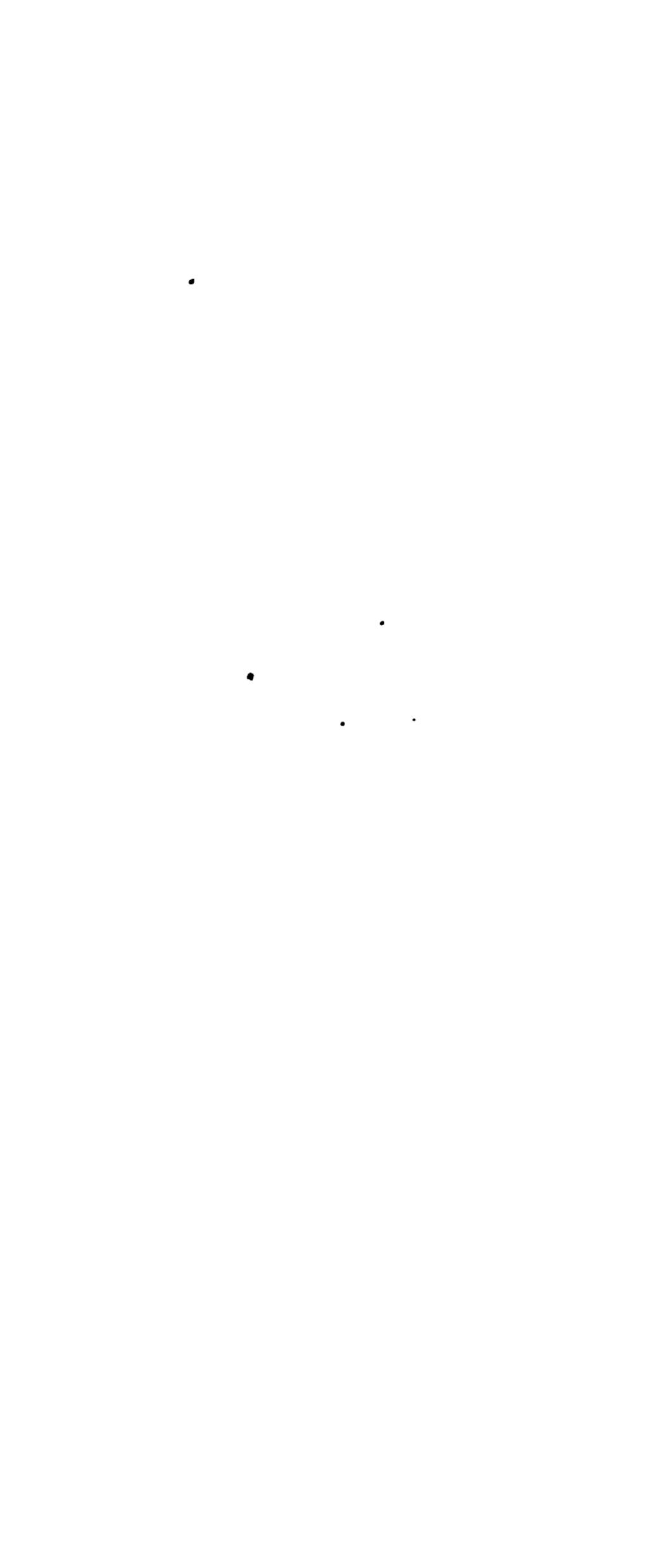
603064 1







SEC



A N
E S S A Y
ON THE
TRUE PRINCIPLES
OF
EXECUTIVE POWER
IN
G R E A T S T A T E S.

TRANSLATED FROM THE FRENCH OF
M. ^{de} NECKER.

And if each system in gradation roll,
All're essential to the amazing whole;
The least confusion but in one, nec all
That system only, but the whole must fail.

Popl's Moral Epistles.

V O L. II.

L O N D O N:
PRINTED FOR G. G. J. AND J. ROBINSON,
PATERNOSTER-ROW.

M D C C X C I I .

M. E. T.



May we
always
know

CONTENTS OF VOL. II.

	Page
CHAP. I. <i>Constitution of the United States, as connected with the Subject of this Work—America does not require so considerable an Executive Power as France.</i>	3
CHAP. II. <i>Nature of the Government of the United States.</i>	22
CHAP. III. <i>From what cause the Executive Power in America has greater Force than the Executive Power in France.</i>	32
CHAP. IV. <i>Of Executive Power in the Individual States of America.</i>	56
CHAP. V. <i>Of Executive Power in the small Republics of Europe.</i>	73
CHAP. VI. <i>In what Manner the Debility of the Executive Power has favoured Republican Systems.</i>	80
CHAP. VII. <i>Reflections on Republican Systems, as connected with France.</i>	86
CHAP. VIII. <i>Continuation of the same Subject.</i>	114
CHAP. IX. <i>Concluding Reflection on the same Subject.</i>	123
CHAP. X. <i>Of Federative Government.</i>	146
CHAP. XI. <i>Moral Effect of the French Constitution.</i>	175
CHAP. XII. <i>Continuation of the same Subject.</i>	214
	3
	CHAP.

C O N T E N T S.

CHAP. XIII. <i>Why has the National Assembly been unable to form a good Constitution?</i>	233
CHAP. XIV. <i>The Public Assent to the French Constitution, and the Inferences which may be drawn from it.</i>	268
CHAP. XV. <i>Inferences which may be drawn in favour of the French Constitution, from the Speech of the King, delivered on the fourth of February, 1790.</i>	300
CHAP. XVI. <i>Conduct which the National Assembly ought to have observed in receiving the Constitution.</i>	312
CHAP. XVII. <i>Concluding Reflection.</i>	329

JOSEPH WOOD
WILDERNESS
MANAGER

A N

A N
E S S A Y
ON THE
TRUE PRINCIPLES
OF
EXECUTIVE POWER, &c.

C H A P T E R I.

Constitution of the United States, as connected with the subject of this Work.

America does not require so considerable an Executive Power as France.

I SHOULD but imperfectly fulfil the end I proposed to myself, were I to confine my attention to a comparison between the constitution of England and the new government of France. It would, beside, be gratifying the wishes of our political metaphysicians, to suffer them to enjoy, unmolested, the honour of

VOL. II.

B

which

which they are so ambitious, of agreeing in principles with the legislators of America. This pretension may be just, and may yet be no conclusive argument in favour of their work : for though we should adopt all the speculative opinions of an ancient or modern legislator, we may nevertheless execute wretchedly, what he has executed well, if we avoided imitating at the same time his genius and his prudence. These two qualities are the only ones which apply equally to all the infinite diversity of circumstances, the only ones which can be brought into general use, in a science composed entirely of bearings and dependencies ; and such is certainly the science of social order. Thus a wise and enlightened legislator, who, on the new continent, far from the errors of the old world, might adopt the principle of perfect equality, and place an implicit confidence in the sole empire of the law ; this legislator, were he to find himself situated amidst French manners,
and

and in a country the most ancient in Europe as to its customs, its wealth and its knowledge, would give to his thoughts a very different modification.

Our national assembly, or if you please, its supreme guides, deceived themselves, therefore, in supposing, that they had taken possession of all the legislative virtue of the sage Americans, when they had only embraced certain general ideas, carried these ideas to extravagance, and applied them forcibly to a nation totally unprepared by its character or disposition for their reception. If we would appropriate to ourselves the philosophical policy of the peaceable inhabitants of the new hemisphere, we must extend farther our acquisitions ; we must take possession of their household Gods, their morality, their religious spirit, their domestic virtues ; and we shall then be able to construct a well proportioned edifice, which the hand of time will respect. But no sooner had we thought of copying the American declaration

of rights, than we imagined ourselves to be republicans. Something, more, however, is necessary to constitute this transformation.

The Americans have placed their declaration of rights at the head of their constitutional code; and from this circumstance we were led to imagine, that it was in a manner the commencement of their political nature; whereas it was rather the extract and result of it. Their continental position, the nature of their exterior connections, their manners, their customs, and the mediocrity of their fortunes, all these important circumstances were in existence prior to the declaration of rights; so that their profession of faith is found, as all words ought to be found, in the relative dependence of things, and in perfect harmony with the absolute empire of realities. Our political legislators, however, have regarded this declaration of rights as the efficient cause of American liberty, and as a universal principle of regeneration equally applicable

cable to all the nations of the earth. They have also, without taking into consideration the moral and physical nature of the kingdom of France, without reflecting that a declaration of the rights of man would be putting an offensive weapon into the hands of the people, or at least would be a kind of political emancipation, the solemn ratification of which would require the utmost circumspection, surpassed the Americans themselves, and, observing no bounds, have subjected the grave and wary spirit of legislation to all the wildness and extravagance of philosophy.

It would be easy to illustrate this proposition, by comparing the different declarations of rights adopted by the United States of America, with the political creed serving as a preamble to the French constitution ; but such a discussion would at this time of day be little interesting. We no longer think of measuring a river at its fountain head, when, having increased in its course, and descended like a torrent

[6]

rent on the plain, it buries the country round, or intersects it in every direction. I shall, therefore, avoid all useless enquiries, and enter more fully into the important subject of which I am to treat.

We may imagine to ourselves a nation possessing such moderation of sentiment and such gravity of character, that it has no need of written laws; but in proportion as the people shall depart from that spirit of temperance and moderation, whether from their natural dispositions or other operative circumstances, a more active authority must be given to the power that protects the social harmony.

I shall doubtless be told, that, by destroying existing prejudices, and erecting a new government on the ruins of the old, the manners of a people may be changed, their characters modified, and we shall create, as it were another nation.

Such is the language of men who press all their ideas into the service of a single leading axiom,

axiom, and who, justly doubting whether a number of discordant principles could be brought to agree, have been desirous of giving an exclusive authority to that of which they have made choice. No doubt the nature of a government has an essential influence on the morals of a nation ; but how many other circumstances take part in that influence ! It would be a flagrant illusion to imagine, that liberty, equality, and the rest of our new institutions, will at all assimilate us to the Americans, and render us like them obedient to the sober counsels of reason, or the simple yoke of the law. Separated by an immense ocean from the passions which agitate Europe, they are in the peaceful enjoyment of their political youth, and can freely exercise the virtues peculiar to that age. A soil, still new, offers the richest rewards to their industry ; and its vast extent every where inviting cultivators, the necessary dispersion of their habitations, compels the majority to seek their

felicity in domestic life, the never failing source of all the milder sentiments, of every pure affection, and the best school of morals.

They are also called to the exercise of similar virtues by the duties of hospitality, which the nature of their country, and the distance at which they reside from each other, render obligatory. But one of the happiest effects of this peculiar situation, is, that the passions of men are brought less into rivalry, and the mind more securely guarded against the entrance of envy and jealousy. the prolific parents of so many troubles. In fine, placed in the midst of a continent, where there exists, as yet, no sort of proportion between the state of population and the multiplicity of useful employments, the citizens, of every class, feel no inquietude from an increasing and numerous family, are kept by every tie within the boundaries of virtue, and preserved from those rocks of temptations to which older nations are exposed.

No

No doubt there is also, in the character of different nations, a disposition, inherent in their nature, or of which the principle is at least unknown, more or less qualifying them for social harmony. I examine the constitutions of the individual states of America, and I feel the most pleasing sensations at the view of a title, unthinkingly assumed by a considerable body of delegates, employed by authority of their fellow citizens, in the important work of legislation. *We the representatives of the GOOD people of Virginia.* What emotions does not this simple denomination excite ! a title like this forms of itself an admirable lesson, being at the same time an honourable testimony of national character. Ah ! could our national assembly have assumed it, could conscious truth have suggested and authorized the idea, France would have been less unhappy, we should not have shed so many tears, and the torrent would not still continue to flow from our eyes. But when

our

our declaration of rights was drawn up, the august denomination of representatives of the *good people* of France was no longer applicable. The time, alas, was passed ! deplorable remembrance, sad and lamentable reflection ! Had the assembly adverted to this, they would have felt, that, in reminding us of our rights, it was necessary at the same time to remind us of our duties ; had the assembly adverted to this, they would have been deterred from weakening, as they have done, the power destined to maintain justice and an observance of the laws.

There are other circumstances, peculiar to America, which, while they tend to support social order, are nevertheless foreign to the nature of government, and no way connected with its influence. There is probably not an individual inhabitant of that country, even among the lowest class of society, who is not able to read, write and cypher, and who has not had leisure to learn and retain by heart the first principles of religious and moral truth.

truth. When a merchant, an artisan, or any other description of citizen, takes into his service a young man destitute of property, it forms an express article in the agreement or indentures, that the domestic or apprentice shall be allowed time, and enabled by his master, to acquire these elementary instructions. Now in what country can contracts like this exist, unless where, from the multiplicity of employments offered to industry, and the limited number of inhabitants, labour is so advantageous as to permit men of every denomination, to consecrate, from their youth, a portion of time to the acquisition of knowledge, however little connected it may be with the particular duties of their station? Our legislators, therefore, when they imagined that they should attain the same end, by the establishment of a new hierarchy of schools and colleges, only showed how ignorant they were of the first causes of national instruction. It is not possible that instruction should be universal,

far, it is not possible, whatever pains we may take, or whatever projects we may form to effect it, in a kingdom, whose population is so immense as to reduce the price of labour to so narrow a limit, as to be barely sufficient for acquiring the necessaries of life.

Let me observe in this place, and it will not be digressing from my subject, that of all the obstacles calculated to embarrass the proceedings of administration, those are doubtless the most serious which are immediately connected with the burthen of taxes, or a scarcity of provision. We are then as in presence of the strongest passions of the people; and so limited is the circle of their hopes and wishes, that they are fixed almost entirely on these two grand objects of inquietude. To make the people, therefore, a party in any political dispute, all that is necessary is to hold out a real or fictitious connection between the subject of that dispute, and the objects thus interesting to them. In this consists the art of intrigue, and

an

an adept therein knows the precise measures he has to take.

In the united States of America, burthen-some taxes and apprehensions of want, are causes of commotion hitherto unknown, and in the order of probability it will be long before they will have existence. The Americans having neither fleets nor armies to maintain, and their national debt being extremely moderate, their expenditure can bear no proportion to the expenditure of France. Beside, situated far from the troubles of Europe and out of the reach of its politics, they are less exposed to those events which produce extraordinary expences and wants, and may preserve as long as they please the happy independence which they enjoy.

Their situation also, as to the means of subsistence, places them equally above those quietudes, those alarms and commotions, from which a kingdom like France is not always secure. It will be long before their population

tion will be equal to the produce of their cultivation, and at present their only care is the disposal of a great superfluity.

It has frequently been asserted that the produce of all the different parts of France taken together, is at all times adequate to the demands of the kingdom. Admitting the truth of this assertion, which, however, may justly be called in question, the utmost freedom of circulation would still be necessary to supply the deficiency of one district by the excess of another ; and it is the maintenance of this circulation that particularly requires the aid of public force. No doubt it should be used with precaution ; but this precaution ought never to be carried so far as to bear the construction of impotence on the part of government.

Let us now take a different view of the kingdom of France, and we shall perceive the inhabitants elbowing each other, continually interfering with all their motions, and yet all of them resolved to run the career that is open
to

to avarice, ambition, vanity and pride. We shall see them making sport of the restraints of civil policy, and observing with ironical satisfaction the last barriers of order overturned by a fashionable philosophy. We shall see them, for the most part, crowded together in great towns, where ingenuity lends its aid to effeminacy for the propagation and illustration of vice ; where luxury, inseparable from the maturity of a rich and commercial nation, assumes the regulation of labour, and renders dependent upon the landed proprietors, that immense multitude that lives by their caprices and is corrupted by their spectacle. In fine, it is easy to demonstrate, from certain general truths, with how much difficulty the laws of order can obtain respect in such a kingdom as France. Public commotion and private discontent usually originate, and must be expected to originate, in the unexpected necessities and distress of the majority of the inhabitants of any country ; and these necessities and distresses

are, among us, peculiarly to be apprehended from the imperious rights of property, which cause the slightest variation in the price of provisions, or the price of labour, to produce the most memorable effects upon the feelings and peace of the multitude. Of consequence public commotions are principally to be dreaded in a country, where the demand for industry, which regulates the subsistence of a numerous class of its inhabitants, is governed by the precarious state of its intercourse with foreign nations, and by the barometer of luxury, in the various parts of the world. Public commotion is most frequently to be apprehended in a country, of which the population, equal, or nearly equal to the consumption of the average produce, excites frequent alarms upon the head of subsistence, and is liable to derange the indispensable proportion between the price of corn and the price of labour.

Not one of these circumstances exists in America,

America, where there is employment for every body, and an employment that is not likely to fail, since it depends neither upon the arts of luxury, nor exterior commerce, but on a cultivation that will long be susceptible of the greatest improvement.

Why then compare with France a country so dissimilar? It would be easier to govern America by the single tie of its morals, than to maintain order in a kingdom like France by laws without number, if those laws have no support but that feeble executive power, the chance result of the detached combinations of the national assembly.

The day will perhaps arrive, when the present government of the United States will no longer be found sufficiently efficacious, and that day will be when their manners shall experience a change; when, a period as yet at an immense distance, their population, continually increasing, shall equal the cultivation and produce of the country; when the rich,

become absolute masters, of the price of labour, shall reduce to the lowest necessity those who have only their labour to depend upon; when by a continual accumulation of wealth, transmitted from age to age, luxury shall increase, and shall render the difference of situation more conspicuous between those born to a monopoly of the fruits of the earth, and that multitude of men for ever condemned, by the imperious rights of property, to the acquirement of a mere subsistence, and that by the unremitting sweat of their brow.

Whenever these revolutions, inevitably attendant upon the lapse of time, shall have taken place, there will be a numerous class of citizens who will enjoy, without labour or exertion on their part, certain territorial revenues, the inheritance of their ancestors; another class will exert itself in various ways, in order by commerce to acquire its portion in the annual increase of personal wealth; a third class, more numerous than either of these,

these, will incessantly besiege them with a profer of the fruits of their industry, in exchange for a stipulated salary or reward ; and art will extend itself in every direction, in each successive year, eager to excite by its novelties the blunted taste and exhausted caprice of the indolent dispensers of the goods of fortune. At the same time, for the purpose of enjoying more commodiously these daily and diversified conveniences, men will more generally assemble themselves in towns ; the tribute of the plains will be collected thither, and will there be consumed in dissipation and luxury. A relish for frivolous enjoyments, and an emulation in the dull uniformity of fashion, will insensibly weaken the empire of reason, and subject men's opinions to the authority of factitious principles. In fine, luxury and pecuniary want being drawn towards the same point, will multiply the passions, will excite them to hostility, will introduce a total change of manners, and the simplicity of ancient times

will no longer be known but as the ornament of poetical description. Nor is this all ; for with a change of situation, religion, that sweet consolation amidst a retired and domestic life, religion, all the duties of which constitute a chain of felicity, will not fail to become troublesome, and a new description of artists will arise, who, under the name of philosophers, will invent other systems for the times, no doubt more commodious and more easy to bear. And when these philosophers shall have relaxed every tie, and reduced to a state of weakness and inanity all moral obligation, there will lastly come a race of political metaphysicians, who will trace the plan of a new world to be established on the ruins of the old. Alas ! while I have thus suffered my fancy to rove through all the vicissitudes and revolutions to which the hand of time will subject America, the spectacle of France has, I fear been too constantly present to my mind : but in all affairs of importance, the history and expe-

experience of age is the book of destiny for youth.

I ought however to remark, that the Americans have adopted the only form of government capable of opposing resistance to these ever active causes, the only one that for any length of time can defend national manners against the daily influence of increasing wealth: and as this form of government has not rendered it necessary to invest the executive power with a degree of force proportioned to the vast extent of their dominions, a double motive engages me to treat the subject more at large; and this I shall do in the following chapter,

CHAPTER II.

CONTINUATION OF THE SAME SUBJECT.

Nature of the Government of the United States.

THAT part of the continent of America, forming the dominions of the United States, presents to our view an immense surface, of which the circumference is seventeen hundred leagues. But the government of these new regions is divided into fourteen states, of unequal population, varying from four hundred thousand down to sixty thousand souls, and of which the aggregate number of inhabitants is short of four millions.

Each of these states forms a particular sovereignty, having a legislative body, an executive power, a judiciary order, together with every

every other institution requisite to a free government and an independent society.

They form therefore so many small republics, separated from each other, but united by their political and commercial interests, and their mutual defence. They have the same current coin, and a uniform standard of weights and measures. The debt contracted in the acquisition of liberty is a burthen which they have agreed to share in common, in a determined proportion, as well as to contribute to whatever new expences the safety of the state may require. In fine, the regulations and measures that are the necessary consequence of such a federation, are committed to the care of a congress, composed of delegates chosen by the fourteen states ; but the power of this congress and the authority of its president extend to such objects only as have been determined by the different sections to be the general interests of the community.

From a political organization like this it
C 4 results,

results, that the vast extent of the American continent has no destructive influence on morals. By its division into small states the citizens are placed immediately under the eye of their respective magistrates, are restrained by the yoke of opinion, and are encompassed by all those chains which maintain, in republics, a general propriety of conduct and stability of principles.

Without doubt the population of each state, and particularly that of some, will progressively increase, and when arrived at a certain height the security of public manners will inevitably diminish: but the sage policy of the Americans seems already to have taken precautions against this circumstance. It appears to be their determination to form new states, as their population shall advance, that they may never exceed the limits most conformable to social happiness. They have calculated, as it were, how far the vigilance of government can extend, and by one of the wisest resolutions

resolutions that ever entered the mind of a people, have determined to inaugurate a new independent authority, as soon as they shall be able to confide to it a dominion proportioned to its powers. We shall thus behold, what has never been exemplified in the history of mankind, a sovereign state freely resigning a portion of its empire, to secure more effectually the happiness of its citizens and the preservation of order and morals.

The conception alone of such a plan would have a just claim to our homage; but with the Americans this is no ideal speculation. Already have they admitted the state of Vermont into the confederation, and have farther proposed, though I am at this moment unable to say what has been the result of the proposition, to separate Kentucky from Virginia, and Maine from Massachusetts. In proportion as these new divisions shall take place they will form so many integral parts of the general confederation.

If

If we combine with these illustrations, the circumstances enumerated in the preceding chapter, we shall perceive to what America is chiefly indebted for its manners. We shall perceive that their purity is not, as has been supposed, the simple result of perfect equality, and that this equality is not the only secret of the constitution of the United States. And though the national assembly of France, by adopting and exaggerating this principle, may have imagined themselves to have trod in the steps of the sage law-givers of the new world, and to have laboured, so to speak, under the guidance of their genius, it is not a matter of certainty that they have been acknowledged by their masters. Before they detached a single principle from a general system of government, invented for another country, they ought to have examined with attention, whether, stripped of its accompaniments and hastily transplanted into a foreign soil, it would be equally productive; particularly they ought to

to have examined, how far it would agree with the immutable part of our local and peculiar circumstances, with our twenty-six millions of men to be governed from a single central point, with the necessity of a disciplined army, with our national character, that work of ages, and which it is easier totally to subvert than to subject to any transformation. Ah ! of how many various elements is the science of politics composed ; and who is there that is able to penetrate the profundity in which their combinations are prepared and their relations originated !

But it is not alone by securing to the different governments the support of public manners, that the constitution of the United States has facilitated the action of the executive power, or rendered it less necessary : there are other ways in which it has accomplished this essential object.

The general government of America may be considered as divided into two parts. Each
of

of the United States, sovereign master within the limits of its dominion, regulates, by its magistrates and the other authorities it has established, the different branches of social order, and unites within itself all the necessary powers for the maintenance of subordination ; and as these powers have only to act in a narrow circle and are also seconded by opinion, they stand in need of no great energy to fulfil their destination. Like all republics, their internal polity differs little from the government of a family. So much for each state individually.

But their political and commercial interests, together with certain others, they have placed in common ; and for the determination and conduct of these, as I have before explained, they have invested their respective delegates, assembled in congress, with the necessary authority. It is easy however to perceive that an administration like this, always occupied by negotiations without or general regulations within,

within, requires not an executive power furnished with extraordinary means and perpetually in exercise.

Thus, by the plan of separation established in America, the difficult part of government, that which must at all times be in action, that which is destined to contend with the various passions of mankind, is confided to an authority, whose obligations extend no farther than the boundaries of the territory to which their functions in this respect relate ; and the only government whose superintendence comprehends the interests of all America, has been rendered easy by the nature of the duties reserved to it.

It is impossible then, in treating of executive power, to establish any sort of parallel between a country containing only three or four millions of inhabitants, and a kingdom whose population amounts to twenty-six millions ; between a confederacy of fourteen petty sovereignties, and an empire where all the laws

laws ought to proceed from a common centre, and all the classes of administration derive from a single point ; in fine, between a people in the flower of its age, animated and sustained by the feelings and suggestions appropriate to political youth, and a nation, arrived by progressive steps at the extremity of its course, where moral principle no longer operates, religion itself is in discredit, all ideas of veneration and respect antiquated, and obedience reduced to a metaphysical abstraction ; where every thing is old, every thing in decay, except the spirit of vanity, that spirit so predominant in France which never dies, and which at present reminds us more than ever of the fabulous phenix, that, placed on a funeral pile constructed by its own exertions and composed of odoriferous shrubs and perfumes, no sooner perishes than it begins to exist under a new form.

But patriotism we are told will make us young again, and thus compensate all our defects. Be it so : but this sentiment does not

less exist in America, and yet the Americans have never thought of making it the sole mover of the machine of government. For sometime past all our opinions have laid in our ribbons and cockades, and the opinions of men are sunk in a fictitious agreement. When time shall have effaced the glow of colours, we shall no longer be able to know ourselves, and shall be convinced that the name of *patriot* is far from including political wisdom, as the name of *brothers and friends* is by no means the pledge of a permanent affection. These appellations have hitherto served less as the bond of love, than as the pretext of animosity. We must exchange a part of our sublimity for a little common sense, or our affairs will very ill succeed. But in imitation of the national assembly, individuals are anxious to signalize themselves, to go beyond what their predecessors have said or have done ; every man strains himself into an unnatural attitude and oversteps the true and genuine line of his real opinions.

C H A P-

CHAPTER III.

From what cause the Executive Power in America has greater force than the Executive Power in France.

IN the preceding chapters we have seen the principal circumstances which impose the obligation of imparting to the authority of government, in France, powers of action and a degree of energy of which the republic of America has not experienced the necessity.

Suppose then it should be found that the proportions adopted by our legislators are the reverse of this?

To examine this question, it becomes necessary to draw a double parallel, and to compare the executive power of France, not only with the executive power instituted in the individual states of America, but also with the

executive power established for the maintenance of the federation. From these comparisons various important truths will derive new lustre.

I shall first call the reader's attention to the executive power vested in the president of congress*, and the different institutions which tend to assist the exercise of that power.

The laws enacted by congress, like those of the parliament of England, have this important advantage over the laws of France, that they announce to the nation the united sentiments of two houses, and thus present a character of maturity and reflection, which commands additional respect and renders obedience more certain.

The delegates who compose the upper house, or senate, are elected for six years; a circumstance which serves as a counterpoise

* Congress is the name given to the assembly of delegates of all the United States; and the president of the Assembly is the celebrated Washington.

and security against the versatility of principle to which the lower house, or house of representatives, is exposed, by a change every two years of its members.

No man can be a senator who has not attained the age of thirty years ; it is farther required that he shall have been nine years, at least, a citizen of the United States ; and it is recommended by proclamation to chuse these delegates from among the wisest men of the nation. These circumstances tend to secure a degree of consideration to the senate, and dispose the minds of the people to honour the legislative body, of which this senate forms a part.

They are fools only, mere theorists, and novices in moral philosophy, who, in their political combinations, estimate opinion as of little worth. Its assistance is necessary in every species of government. It serves tyrants by assuming the form of fear ; and it is by borrowing the milder image of respect and confidence,

confidence, that it assures to the magistrates of a free nation the deference of which they stand in need.

This deference, so indispensable to the upper house of the legislative body of the American federation, is farther augmented by the constitutional statute declaring it to have the sole power of trying impeachments, voted by the house of representatives, whether for treason or other public misdemeanors.

Lastly, the senators owe their election to the enlightened voice of the legislature of each individual state; a point highly essential, since the experienced character of the electors, the knowledge they have acquired of the difficulties of government, and the interest they must feel in preserving the consequence of public men, from an official conviction of its necessity, are so many circumstances calculated to make them wary in their choice, circumstances which are by no means secured by any of the forms of election established in France.

A particular regulation contributes also to the support of order and uniformity in the deliberations of congress. The two houses have not, as in France, a perpetual succession of presidents removable every fortnight : the house of representatives chooses a speaker, who officiates during the whole session ; and the president of the senate the constitution has decreed shall be the vice-president of the United States, an officer appointed to assist the chief president in his functions and in case of necessity to supply his place. By this institution the first link is formed of a chain connecting the legislative with the executive power ; and such seems to have been the intention of the lawgiver.

Now if we add to these circumstances the information we may readily acquire respecting the character and reputation of the delegates of congress, we shall probable be of opinion, that a legislative assembly like this would, by the sole weight of its consideration, give more efficacy

efficacy to its laws, than an assembly armed, like ours, with the authority of the nation and perpetually surrounded with menace and proscription.

But it is not only by the wise formation of the legislative body that the action of the executive power is aided and facilitated, the prudent organization of the judiciary order contributes also to the same end: for while in France all the magistrates of that order are chosen by the people, and for a limited time, circumstances unfavourable to juridical independence, the tribunals of the American federation are filled by men appointed by the senate and president of the United States, and no period is fixed for the termination of their functions.

Let us now direct our attention to the authority granted to the depositary of the executive power in the American federation, and we shall find that it surpasses, in various respects, the prerogatives of the French monarch.

No law can be complete till it has received the sanction of the president. This sanction indeed cannot be refused directly and positively, like that of the French king during the existence of two legislatures ; but as it is in neither government applicable to constitutional laws, I conceive the veto of the French monarch to have less force and efficacy than the right of opposition granted to the president of the United States. To judge of this question it is necessary to state the particulars of that right.

These particulars are extremely simple. When a bill has passed the two houses, it is presented to the president of congress, who, if he refuse his assent, is bound to give his objections in writing. The bill is then reconsidered by the two houses, and if still approved by two thirds of each house, the opposition of the president becomes null, and the bill passes into a law. I ought to add, that the names of the persons voting for and against the bill are entered

entered on the journals of each house respectively, as well as the objections of the president which shall have formed the subject of debate.

It is easy to perceive how small is the probability that a memorial on the part of the president, head of the executive power, should not prevail upon the minds of one third of the members of one of the two houses ; nor can we be more at a loss to observe the degree of weight that must necessarily annex to the judgment of the president, accompanied with the motives upon which it is founded, and explained with perspicuity and dignity. Alas ! there was need of no more than this right of remonstrance, on the part of the French government, to have saved the national assembly the commission of many faults ; but in quality of constituent it prescribed to the monarch not to give his negative any otherwise than in the simple form, and thus deprived it of the approbation it might have obtained in the public

lic opinion. In consequence the monarch is obliged, when a decree is presented to him for his sanction, not merely to examine whether it is contrary to moral justice or public good, but also whether it is safe for him to reject it, without being permitted at the same time to inform the legislature and the nation of the reasons of his rejection. The constituent assembly, influenced by a miserable jealousy, always refused to the king the right of uttering the voice of reason, nor would it ever have been brought to admit of a veto similar in all its circumstances to the opposition vested in the president of congress.

A farther important remark ought also to be made. The American constitution, very different from that of France, has not interdicted the sanction of the supreme head of administration as to certain legislative proceedings, and particularly that most important one of all which relates to the fixing, the continuing

tinuing and the collecting of public contributions.

They are not laws alone that require the approbation of the president of congress; the constitutional charter has subjected to his sanction, in a general manner, such votes and resolutions to which the concurrence of the two houses is necessary; and the only exception to this rule are votes of adjournment.

We thus see that the sanction of the chief of the United States has a more various and extensive application than the sanction of the French monarch.

In fine, there being many articles in the French code not declared constitutional by the American legislators, the functions of the legislative body are more extensive in the latter, and as the exercise of those functions are subjected to the sanction of the president, his influence is augmented by just as much as the articles are fewer that have been invariably fixed by the national convention.

One of the most splendid prerogatives vested in the president of congress is the prerogative of mercy ; and this prerogative extends to all offences committed against the United States, criminal prosecutions, instituted at the suit of the house of representatives, excepted. It is otherwise in France, where the monarch has been deprived, almost inhumanly, of this right, the most excellent, honourable and awe-inspiring of all the ancient privileges of the crown. But I have already treated this subject in the effusion of my heart ; and I shall forbear, therefore, to make use of the new weapon which I might at this moment derive from the conduct of a people jealous of its rights, and glowing with all the fervour of liberty.

The president of the United States is empowered, with the approbation of two thirds of the senate, to conclude treaties ; and as this council consists only of thirty-two delegates, it is easy to perceive that the president, in his transactions

transactions with foreign states, is little exposed to retraction and inconsistency, and is therefore able to inspire confidence into those states. The case is very different in France, where no treaties can have force without the approbation of an assembly of seven hundred and forty-five deputies, who are for the most part wholly unversed in political affairs, and little able to acquire the necessary information in a short reign of two years.

The president is empowered, with the approbation of the senate, to nominate to all offices without exception, and among the rest to that of judge of the supreme court. To this article it will no doubt be replied, that the king of the French is empowered of his sole authority to nominate ambassadors and some other public officers, and therefore has in this respect the advantage of the American president. But the French government is subjected to the empire of opinion ; it is obliged to consult the inclinations of a master

very hard to be pleased, inclinations that must be guessed when they do exist, and that will be feigned when they do not, and thus is subjected to the service of a mysterious divinity, equally to be feared whether it speaks or is silent. Which would one prefer, this slavery, or the guarantee of a senate over whom the first magistrate will not fail to have considerable influence, as long as he acts with propriety and reason ? Add to this, that if the president of congress be obliged to act in concert with the senate, yet his prerogative, with this limitation, applies indiscriminately to all employments in the service of the United States ; while on our part the king is deprived of all participation in the choice of the majority of public officers, such as judges, directors of the police, directors and administrators of the provinces, and even in the offices left to his disposal, there are certain rules of promotion established, which, for the most part, reduce his functions to an empty formality.

Lastly

Lastly the president is empowered to fill up all vacancies that may happen during the recess of the senate, and the commissions which he thus grants are not to expire till the end of its next session.

From the preceding illustrations the following truth is deducible, that, by the obligation imposed on the president of acting in concurrence with the senate, one of the two houses, which form the general congress is connected with administration and united to its interests; and the consequence of this measure is a more complete and certain harmony between the legislative power and government.

This was the original intention of the legislator in the organization of congress. It forms indeed an exception to the common principle of the separation of powers; but what signifies the exception, if the general good be more effectually accomplished.

But is not the responsibility of the executive

tive power hereby diminished, it will be asked by certain of our new politicians, and by those in particular whose happiness and glory consist in the hope that they shall one day arrive at the exercise of that responsibility, and who are unwilling to consent to the slightest renunciation of the thousand and one modes in which they can attack or harass the first agents of government ?

I answer that the sage lawgivers of America have preferred the general harmony to these petty amusements of jealousy and envy ; and men of sense of every country will not fail to applaud and honour them.

The president of congress, obliged to act in concert with the senate as to the nomination of public officers and the negotiation of treaties of commerce and alliance, is nevertheless sole depositary of the executive power ; he can even convoke the two houses, or one of them separately, before the expiration of their adjournment ; and though the period of adjournment

adjournment be usually fixed by themselves, the president has the right of determining it in case of a difference of opinion between the two sections of the legislative body.

Every mark of honour is also bestowed on this first magistrate of the United States. He alone gives audience to foreign ambassadors and ministers ; he enters the legislative assembly accompanied by a numerous retinue ; and so far from his exterior dignity being exposed to those petty annoyances which are the glory of our infant politicians, the Americans, with pride and pleasure, respect in the chief of their union the majesty of a free people.

There remains another important observation which ought not to be omitted. Where we to confine our attention to a comparison between the constitutional charters of the two nations, we should form a very erroneous judgment of the respective prerogatives of the French monarch and the president of the United States. The American code indeed contains

contains all the restrictions to which the president's authority is subjected ; whereas the French code gives but a very imperfect picture of the political situation of the king, at the moment when the constituent assembly terminated its labours. Let us enquire into the reason of this difference.

The legislators of the American federation had no farther authority than that of preparing, by common consultation, a good constitution. This was the sole object to which they bent their attention ; and the government they created did not begin to exist till their project of a constitution had been adopted by the United States. No anterior law, no law connecting legislation and constitution, served to blend its authority with that of the succeeding congress.

It is not thus in France. The national assembly has taken its constitutional code from a multitude of laws enacted during the course of its session, and which, though not com-

printed in this code, are still in force and govern the kingdom like constitutional laws. The only difference between these two sorts of laws is, that the constitutional laws have been decreed to be immutable, for a given time; whereas the others have no such quality annexed to them: but if to change these latter an express vote of a legislature be requisite, their continuance is alike uncertain, and may be as long, as indefinite, as the duration of constitutional laws.

Let us take an example or two, from among an infinite number, to illustrate the very important remark which has just been made. The constitutional code fixes no term to the functions of the judges established in the kingdom; and yet this term cannot extend beyond six years, if the law which has thus regulated it should undergo no alteration. The constitutional code does not fix the number of municipalities; but there will not the less exist forty-four thousand, as long as this

institution, decreed by the first national assembly, shall remain unrepealed. How very inadequate then would be our idea of the obstacles opposed, in France, to the establishment of order and the activity of the executive power, were we to decide in this respect merely from reading the constitutional code?

No difference can be more unequivocal than that of a constitution grafted upon ancient laws, from a constitution antecedent to the existence of a government; and the effects of this difference are perhaps unalterable, since, in every country where the legislative action depends upon that of certain subordinate powers, it is infinitely difficult to extinguish or modify the preexistent laws relative to those powers.

The brief documents I have given, relative to the organization of the different powers in America and the prerogatives attributed to the president of congress, are sufficient to show that the United States have secured the activity

activity of government in a more firm and respectable manner than we have done in France. Let us now consider and appreciate the small number of circumstances that are a seeming contradiction to this truth.

The chief of the United States is liable to be tried before the senate, upon an accusation of treason or other capital crime, instituted at the suit of the house of representatives.

In France the person of the monarch has been declared inviolable.

Here there is no doubt a great difference : but the circumstances are extremely rare and improbable that can bring into question this species of indemnity or responsibility, so that the executive power in France gains but little. Meanwhile the responsibility of ministers is of perpetual application ; and so fond are men of employing it, that, so long as jealousy and restlessness are passions of the human breast, it may be expected to be a source of continual agitation. Considered in relation to first prin-

E 2. ciples,

ciples, it is better, no doubt, that the king should be inviolable, and his ministers open to prosecution ; but considered in relation to the activity of the executive power, the inviolability of the monarch by no means compensates for the extreme violability of his ministers.

The hereditary nature of the throne, compared with the transient reign of the chief of the United States, is also a circumstance favourable to the stability of government. But let us not dissemble that the consideration attached to an hereditary authority, is frequently balanced by those unlucky throws of the dice inseparable from the chances of birth. Washington possessing, by descent, an authority like this, would probably enjoy a much greater power, than Washington temporary chief of the American federation : but it is for geometricians, skilled in the science and calculation of probabilities, to inform us in how many ages a man, endowed with such eminent

eminent qualities, would become the chief of a nation by the simple succession of the laws of nature.

In America there is no standing army, so that in case of necessity the executive power could not avail itself of this succour; but it can call in the aid of the militia. To assemble this military force, a decree of the legislative body is necessary; but the constitution has vested in the general president the right of commanding it. In case of war also he is commander in chief of the army and navy; a prerogative that is not rendered nugatory, as has artfully been contrived in France, by interdicting the monarch from removing to a greater distance than twenty leagues from the legislative body, and by obliging him to convoke the assembly the moment hostilities shall have commenced.

In America the organization of the army and its rules of discipline are subjected to the legislative authority; but the sanction of the

president forms a part of that authority ; and thus, respecting admission into the service, as well as promotions, the opinion of the chief of the state will not be totally out of the question, as is the case in France, by including military regulations among the articles of the constitution.

I cannot conclude the parallel I have undertaken, without adding to the list of advantages, secured to the executive power by the constitution of the United States, one very remarkable circumstance ; the fortunate distance at which the chiefs of the federative government are placed from the first movement of individual passions, a movement always dangerous, but from which they are guarantied by the mediation of the authorities that exercise, in each particular state, the habitual duties of sovereignty. This distance will long maintain the consideration of congress entire ; and perhaps the most desirable feature in federative constitutions is this, of erecting,

erecting, in the midst of a circle of subordinate governments, a power paramount, which, without being involved in the petty hostilities and trivial disputes to which these governments are exposed, is able to come forward with dignity and effect, when events render its interposition necessary. Such a power becomes a sort of corps de reserve in the midst of intestine divisions, it exerts a military credit which has not been rendered cheap and vulgar, a firmness that has not been counteracted, a benignity that has not sunk into contempt: it truly will it be found that great political advantages have their basis in the moral philosophy of the mind.

CHAPTER IV.

Of Executive Power in the Individual States of America.

ENGLAND, in its principles of unity, America in its system of federation, present to our view two admirable models of government.

England shows us, in what manner an hereditary monarchy may be maintained without alarming the partisans of genuine liberty. America, how a vast continent may be subjected to republican forms without giving umbrage to the friends of public order.

England shows us, that a single executive power can secure in a large dominion, without the aid of despotism, the regular activity of administration. America, that a diversity of

of sovereign powers may attain the same end without confusion.

England teaches us, how a small number of large springs may be made regularly to act within their proper bounds. America, how a great number of small springs may be united to form a single force.

England shows us, how far unity of interest may be the result of inequalities of rank in society. America, how this unity may be reconciled with inequalities of strength in a political federation.

England demonstrates, that the advanced age of a nation is not incompatible with the preservation of public manners. America, that a people may prolong its youth, and keep itself for a considerable length of time free from the most seductive and dangerous vices.

England exemplifies, how from a single source of intelligence may be derived all the knowledge necessary to the happiness of a nation. America, in what manner perfection may

may be attained by the subdivision of political discussions.

England presents us with the view of a government, in which, from its very perfection, the slightest innovations are dangerous, a government whose principles of existence seem to touch, to correspond, and to depend on each of the laws by which it is organized: while in America, on the other hand, the centre of union is at such a distance from the radii, as to be capable of performing its revolutions unaffected by any trifling accidents that might affect the circumference.

In fine, the government of England and the government of America, though strikingly and materially different, compose nevertheless each of them a system, in which the eyes of observers may discern evident traces of the genius that presided in the formation of these two great political societies.

We perceive nothing of all this in the French constitution. Our legislators have been

been desirous of placing the entire administration of the empire in the hands of a single authority, and by weakening that authority in every possible manner, have subjected it to the opposition and annoyance of an infinite multitude of powers. Meanwhile they have neither rendered its task less arduous, as in America, nor given it additional energy, as in England. And notwithstanding the national assembly of France had these two grand models of government continually before their eyes, we can trace nothing in their work but an amphibious creation, the result of the incongruities and perplexities of their own minds.

The national assembly have moreover been under a continual restraint, both from the fear of being thought to imitate, and from their limited circle of political combinations. They have seen themselves reduced to the necessity of pilfering, here and there, from all the social constitutions in actual existence. Happy had

we

[60]

we been, if, like the bee, they had possessed the necessary instinct to form from their thefts a regular and perfect hive ! but the spirit of conformity and proportion are among the first best gifts of nature.

The federation of America, being composed of fourteen small states, each possessing a constitution to itself, and a constitution very little known, a certain portion of good might have been extracted from it, without the plagiarism being perceived. But our legislators, in their selections, have always given the preference to articles the least favourable to public order : and, if it would not engage me in too long a discussion, I could prove that each of those small states, many of which do not contain more than fifty or sixty thousand souls, has given greater force to its government, than we have done to the supreme administration of the largest kingdom in Europe.

I shall remark however, in general, that if we examine the various constitutions of the American

American states, we shall find in them a difference of opinion upon several important questions of government. For example, in some of these republics the judges hold their offices for life, and are nominated by the depositary of the executive power. The chief of the state has in like manner the nomination of all the other civil magistrates, militia officers, officers of the federative army, and the different agents of administration. Whereas, in other sections of the continent, the nomination to these employments, and which are held pro tempore, vests for the greater part, either in assemblies of the people or in the legislative body. And we may observe, through the whole federation, what is indeed reasonable, that the smaller is the state the fewer are the prerogatives conferred on the executive power; but in none of these republics, not even the most diminutive, do we behold any thing equal to the desultate condition of the king of the French, divested of

every

every privilege that gives ascendancy and influence to the supreme authority.

A circumstance still more remarkable, and truly astonishing is, that all the states of America, without a single exception, have granted to the chief of the executive power the right of pardon, while we have wrested from the hands of royalty this august prerogative.

We see also, though not generally, yet in several states of America, a number of other privileges enjoyed by the executive power, and which have been refused to the French monarch. The constitution of Massachusetts, for instance, empowers the governor to convoke, by circular letter, the elected senators; to prorogue the legislative body, if he shall think proper, for the space of eighty days; and to participate with the executive council in judging certain causes. A part of these prerogatives exists likewise in other states.

But the most important political regulation, whether considered in itself, or as connected with

with executive power, is the formation of the legislative body into one or two houses. This is a truth which I have frequently illustrated. Meanwhile, among the different states of which the federation of America is composed, there exist but two, Georgia and Pennsylvania, in which the plan of a single house has been adopted: and even in these we may remark a seeming distrust of the inconveniences resulting from such a form, since they are guarded against by provisions not to be found in any other slate.

In Georgia, the single house of representatives, after the second reading of every new bill, is bound to send a copy of the projected law to the executive council, who, having taken it into consideration, are to return it with their opinion.

In Pennsylvania, the plan of every intended law is printed and published, and its preamble sets forth the reasons inducing the legislative body to adopt it; and that a freer course may
be

be given to its public discussion, and advantage taken of the light thrown upon it by such discussion, the decree cannot be made definitive till the following session of the legislature. There is also established in Pennsylvania a council of censors nominated by the nation, whose function is equally to watch both over the proceedings of the legislative body, and over the conduct of the executive power. It is beside empowered to recommend the repeal of laws contrary to the good of the state and the principles of the constitution; and is invested with a number of other prerogatives.

It is easy to perceive in what manner the want of a second house of legislature is indirectly supplied by these regulations.

Let us farther remark, that, in the eleven states whose government is formed of two houses, the upper house, known by the name of senate, is the constituted judge of all public misdemeanors and state crimes, prosecuted by the house of representatives: whereas Penn-

Sylvania, by composing the legislative body of a single house, has been obliged to confide these functions to a particular tribunal; and, could one believe it? the constitution has decreed that this tribunal shall consist of the executive council, together with its president and vice president. If such be the necessary result of a single house of legislature, little cause will the other states of America have to regret the system they have adopted of two houses. Nor will their regret be increased when they shall reflect upon the mode of proceeding in France relative to state crimes, and shall examine the singular institution of our high national court.

The Americans have not determined by constitutional laws, the forms of respect that shall be observed towards the elective chief of the state. I am not sufficiently informed upon the subject to give the particulars of their ceremonial; but I observe, in the convention of Georgia, that when a mere committee of the

executive council is deputed to confer with the legislative body, the persons of whom the committee is composed are allowed to be seated and covered, while it is prescribed to the members of the legislative body, the speaker excepted, to remain uncovered as long as the conference shall continue. It appears, from this circumstance, that the Americans have a just idea of the exterior respect that should be paid to those, on whom the exalted and painful task devolves of maintaining the efficacy of the laws and constraining the people to obedience. Let us compare this political decorum with those forms, more than familiar, with which the ministers of the king of the French are received, with that supercilious impertinence universally practised towards the executive power, with that code of etiquette invented for the monarch, with that systematic bluntness in which we foolishly pride ourselves. No longer the Americans, it is ourselves who are become Quakers : but the

the French, thus travestied, are objects only of ridicule ; for their ancient forms of dress are seen through these new modes, and the whole exhibits an accoutrement so whimsical as must excite the laughter of all Europe. Alas ! we ought to have taken from the Quakers their scrupulous morals, their sentiments of humanity, their religious veneration for the sovereign Author of Nature ; and not, in our imitation, have contented ourselves with the rigid observance of *tbee* and *thou*, in violation of all propriety, and with being blunt and familiar on every unseemly occasion. But exterior forms and modes of speech are easily copied ; and beside it has ever been the character of the French to fall at once into extremes : for which reason they frequently retrograde, or are stationary, while others are still in regular progression.

Never was there a more serious or more important instance of the display of this national character, than in the blind veneration

we have shown for certain American principles or American usages. It would have been natural to have modified a little the ideas of liberty and equality, when taking them from the bosom of those small republics, situated at the extremity of the world, and still simple in their manners and in their fortune, in order to transplant them in the midst of a great and aged monarchy, environned by all the passions and all the vices of Europe ; it was necessary at least lightly to have tinged them with our ancient political principles, with those features engraven by time, and which the effort of a day would be incapable of effacing : but far from pursuing this method, our legislators have drawn from every individual constitution of the American States the most democratic articles, and after having exaggerated them, as I have demonstrated in the course of this work, have then negligently adjusted them to the words king, throne, monarchy, leaving to future revolutions the care of separating, in whatever

whatever manner, that which it was impossible should remain united.

It is unfortunate for France that the leaders of the national assembly, in composing their theme from the various elements of which the American constitutions had been formed, carefully concealed their mode of proceeding. There are few of their political ideas respecting which we should not have formed a better judgment, had we been acquainted with the origin of those ideas and the systems from which they were derived. We should then early have asked, if the usages of a small number of republics, among the fourteen states of America, were better calculated for France, than the systematical structures of others of the same continent. We should have asked, if certain details ought to be copied accurately ; if certain principles of a particular republic ought to be adopted, while its form of government was rejected by us. In fine, we should have asked, if certain American ideas

were more analogous to a great kingdom, than institutions the merit of which the happiness and prosperity of England have consecrated. The nation would more securely have felt its way, and participated in the examination of great political questions, if they had been placed in parallel with their models, and if the attention of the public had been centered within a small circumference, instead of being left to wander in the boundless region of metaphysics and abstraction. But the legislators were determined to attribute to themselves all honour, and to pass for inventors. With this view, they sometimes exaggerated known truths, sometimes arranged words in a new order, and sometimes called things by different names, thus giving a petty costume of originality to the most literal imitations. In a word, they broke in by night, furnished with the implement of a dark lantern, into the great magazine of American policy, instead, as they ought to have done, of filling it with an ho-

nest illumination, and calling all the world to judge of their labours. It is true that the people of France would then have been less astonished by so many dispositions apparently novel ; by the famous declaration of rights, by the idea of a constituent assembly, by the election of magistrates, administrators and priests, in the mode of a popular ballot, by religious toleration, by a parade of equality, by a constitutional code, by national conventions, by the feast of the federation, by the dating of public acts from the era of independence and liberty ; in fine, by so many particulars, all borrowed from the American constitutions, and often so injudiciously applied to the fundamental character of the French empire.

The principal object of consideration ought to have been the suitableness of this application ; but the attention of our legislators was withdrawn from consequences and practice, as if they were imaginary, and fixed upon

principles and theory, as if they were all. Theory no doubt is of great importance ; it is like a large pair of compasses that you may open as wide as you please, and by which you may bring together in imagination distant points of extension : but practice is an affair of a different order ; every wheel must touch its neighbour wheel, and a thousand obstacles, which speculation regards with contempt, must here be brought to complete trial, and require to be fully overcome.

CHAPTER V.

Of Executive Power in the small Republics of Europe.

DARE I advance so strange an assertion ? The executive power of the small republics of Europe have greater efficacy and vigour, and experience less resistance, than the authority which is placed in the hands of government under the new order of things in France. This assertion is not a vain paradox ; nothing would be more easy than to demonstrate its truth, by explaining the constitutions of Geneva, Basle, Zuric, Scaffhausen, and other republics, considered at present as the most popular in Europe : but should it enter the head of one of our journalists, listened to as oracles by all our upstart politicians, to give the name of aristocracy to any of those states,

he

he would be credited upon his simple asseveration, and I could expect to make no impression but upon the few, the very few persons, who are still at leisure and have not parted with the habit of thinking for themselves. I shall therefore proceed immediately to instances the most extreme, and place my point of comparison in the very centre of those petty cantons of Switzerland, whose excessive democracy is universally acknowledged.

The legislative body is there composed of the whole nation, and it is in a general assembly of the citizens that the most important affairs of the state receive their sanction, that laws are debated and decreed, public contributions established, and war and peace resolved upon. It is this assembly also that elects the councils, the principal officers of state, and the chief of the republic, distinguished by the appellation of *Landaman*. Such is the abstract of the popular authority in these small cantons ;

cantons ; and their political differences are too trivial to be mentioned.

This authority is doubtless great ; but it leaves to the executive power the free exercise of its functions ; and the prerogatives that still remain vested in government are such as would probably be thought despotic, if established in a kingdom, or transplanted into the centre of an extensive dominion.

Let us first observe that a legislative body, composed of all the inhabitants of a country without distinction, and in which every one has the right of suffrage, from the age of fifteen or sixteen years, can never remain long assembled. Thus its presence does not annihilate the consideration of the executive power, as happens, and must necessarily happen in France, where the sittings of the national legislative body are perpetual, unless it should think proper of its own accord to adjourn ; and as it is representative, and its members are renewed every two years, it feels

no inconvenience in residing constantly at Paris and enjoying the salaries annexed to the functions of deputies. The inhabitants of the cantons are allowed no salaries when they meet in general assembly, and their meeting commonly lasts but for two or three days.

The landaman, elective chief of the state, attended by his council, places himself in the midst of the general assembly, known by the appellation of *lands-gemeine*. There he presides and opens the business which is to occupy the attention of the citizens. What would our politicians think of an initiative like this, confided to the executive power, and called into action, amidst a legislative body, tumultuously assembled for the space of two or three days ? What would they think also of another prerogative of the executive power, the most forcible that the imagination can conceive, and which nevertheless exists both in the smaller cantons, as well as in the other republics whose form of government is most democratic ?

democratic ? I refer to the union of the judiciary power to the executive, than which no circumstance can give it greater consideration and efficacy.

But enough : The difference is in every sense so great, between small republics formed in the interstices of the Alps, and a large monarchy erected, so to speak, on the vast plains of the world, that there is a kind of absurdity in comparing them : yet it was impossible to withstand the temptation of showing in a few words, that, even in these narrow corners of the earth, where the government is a sort of paternal administration, it has never entered the imagination to sacrifice, to liberty and equality, that executive influence, without which, simple and uncontaminated as may be the general manners, there would exist neither peace, nor tranquillity, nor political union. I am ready to admit, and to repeat what I have said in another part of this work, that the French constitution, just like any other con-

stitution, would answer these purposes, if the constituted powers were respected and the laws obeyed with common consent. No doubt they are much in the right to say, that at length it is time for subordination to begin to appear. It is time indeed, and more than time: but what poorer exhibition of sterility can be imagined than this perpetual emphasis upon subordination, this mode of soliciting it as an alms, the compliment of the constitution, the homage which we are required to pay it, instead of making it, as it ought to be, the necessary fruit and result of the constitution. What is in reality the obligation imposed, by the nature of his office, on the institutor, the first founder of a social system? It is not to convert, like a mere framer of laws, obedience and submission to the best possible use; this would be too common a task: his duty and destiny call him to higher functions; and we expect from his genius, that, by a profound knowledge of men and

their passions, by a skilful organization of powers and forces, he should create that obedience, should guaranty that submission, and should succeed therein without offering to liberty the smallest degree of violence. These are the two objects which he is bound to accomplish ; and if he fail in either, he will in reality have done nothing, and we shall clearly perceive either that he has not understood the extent of his mission, or has been deficient in the qualities necessary to its completion.

CHAPTER VI.

In what manner the debility of the Executive Power has favoured Republican Systems.

DIFFERENT motives have, no doubt, given birth to the opinions, in favour of republican government, which have appeared, and are still making their appearance in France. I shall not seek to penetrate the individual interests, which serve as a stimulus to the intriguing and the ambitious: if we leave them in the darkness with which it is wished they should be covered, enough will remain, of actions that wear no disguise, to put the age to the blush. But there is one very natural cause of the favourable reception of these new systems. It is seen by many, that royalty, in the state of degradation to which it has been reduced

reduced, can no longer maintain public order, and it is asked if a king, if his ministers, are not too great an expence when compared with their utility. It is further asked, if an elective senate, with a president, would not be able to exercise an authority of equal efficacy to the feeble means of a monarchical government, when that government is constituted as we find it at present among us. These doubts are the natural result of the extreme weakness of the executive power, and the authors of the new social order in France have no right to take offence at them. They have acted respecting the royal authority as they have acted relative to money, they have changed the nature of both, and they are angry at all those who no longer estimate them at the same value. Let us pursue this comparison a little farther. They have deceived the nation after having first been deceived themselves; they have left the name of king at the head of their political institution, after having previ-

ously stripped that name of every idea that entered into its formation ; and led on by this logical manœuvre, the invention of a small part of their number, all France and the majority of the national assembly, have been conducted, without knowing it, to the very confines of republicanism, and monarchy no longer consists but in the hereditary possession of a vain title. Just in the same manner they have talked with great parade of the faith of government, of the inviolable character of the nation, and the adherence they were determined, at all hazards, to preserve to the engagements that had been entered into in the name of the state ; and to discharge these engagements, they have introduced a fictitious money, at present representative of a value much greater than its intrinsic worth, and by means of which every foreign creditor suffers the loss of half the principal. Strange and unfortunate abuse of words, which favours every species of perfidy, and of which we have

have never witnessed a more terrible example.

How many other faults, how many other errors might we not explain by the same glo-
fary ? It might easily be shewn that the words liberty and equality, by being wrested from their meaning, have become a source of disorder and confusion ; but this investigation would carry me too far out of my way : I shall therefore content myself with a single general reflection. Through the whole circle of human learning, there is no science more open to ambiguity, there is no science the language of which is less adequate to the ideas intended to be conveyed, than politics. Nor is this at all astonishing. Till lately the practice of political science had been reserved to men of genius, deep thinkers, who were able in a small number of words to apprehend a vast volume of ideas, and equal to the separating these ideas, whenever application should make that necessary either to legislation or to go-

G 2 vernment:

vernment. Now a mob of collegians and half informed men, interspersed with designing leaders, have rushed at once into the sacred deposit, and each laid hands, as he could, upon the words liberty, equality, sovereignty, monarch and monarchy ; and mistaking the fragments, thus pilfered, for the whole, have organized and disorganized, in imagination, the governments and constitutions of Europe, in expectation of the auspicious moment when they should be called upon to become legislators of mankind. Their arrogance and self-sufficiency would have been less, had they not, from the accidents I have mentioned, been prompted to range their whole political baggage into parcels, with each a ticket inscribed with the words liberty, equality, and so forth. The observations I have here made will be comprehended only by men of penetration, who will perceive, from this example, that the arranging a multitude of thoughts under a few simple signs, is a practice suited only to sage

sage and experienced nations ; and that this very practice is the medium only of confusion and plunder in countries, where each man starts up on a sudden a politician and a philosopher ; more particularly when there do not yet exist any words in the language capable of accurately expressing the decompounded parts of these general ideas.

CHAPTER VII.

Reflections on Republican Systems as connected with France.

THOSE who are continually calling out for a republic, render an essential service to the men who fear the reproach of having introduced such a form of government in France; and the authors of the constitution must observe with pleasure the growth of extravagant opinions, which blind the eyes of the nation to the striking resemblance that exists between their political work and the most popular systems.

The appointment of an hereditary chief to the first office in the state, is one of the circumstances which distinguish monarchies from republics: but it is by no means the most important, and it would probably be ranked last,

in

in the order of differences between the two sorts of constitutions, were it not that it has been selected, on account of its conspicuousness and simplicity, for the generical characteristic of the idea in question.

Meanwhile, such is the authority of language and its hereditary influence on mankind, that, by the aid of a Greek derivation, serving to justify this sense of the word *monarchy*, the lawgivers of France have conceived, that they should keep themselves clear of republican government, by the sole institution of an individual chief; and it was thus that the national assembly, amidst the ruins of all sorts by which they were surrounded, and while destroying every ancient tenure, subjected themselves nevertheless to the empire of words, an empire the least legitimate of all and the least respectable.

Can any thing, however, more nearly resemble a republic, and a republic of the most democratic kind, than the right vested in the

people of chusing all the legislators, all the magistrates, all the judges, all the clergy, all the militia officers and all the administrators of the state ; a choice too taking place, at stated periods, without the interference of any superior authority whatever ? Can any thing more nearly resemble a republic, and a republic of the most democratic kind, than that continual renewal of elections, and the almost daily exercise of the power of the people either by primary assemblies, or assemblies of district, or assemblies of department, or municipal assemblies, or assemblies of section, or political clubs and other associations, presenting petitions, three times a week, to the whole representative body of the nation, and every day, every hour, every moment to all the inferior authorities ? Can any thing more nearly resemble a democracy, and a democracy of the most free and unrestricted sort, than those political discussions in the streets and public walks, than those communications, by means of

of hand-bills pasted up in every corner, communications authorised by our discreet legislators, for the sake of avoiding the danger of every man's proclaiming his opinions by beat of drum and sound of trumpet? In fine, can any thing be more in the style of popular government, more tyrannically democratical, than that armed authority which is transferred, *de jure* or *de facto*, from the sage guides of the commonwealth, to the blind disposition of the multitude, and which, proscribing the exercise of private judgment, subjects to the decision of vote, or rather to be ballotted for by the first mob, the personal liberty and private property of every member of the community?

And what remains of monarchical government in France, as the word is commonly understood by nations? It will be said, an hereditary executive power. But if the hereditary quality be still the same, the heritage itself has totally changed its nature; for so great has the executive power been reduced, that it

is scarcely more than nominal. They have also surrounded the heir by responsible ministers, whose precarious existence is at the disposal of the representatives of the people.

There is more reality in the right of the suspensive veto, a right fortuitously saved from the general wreck of the prerogatives of the crown; but it is not unknown in republics, where it exists under other forms, since the initiative in legislation is there usually blended with the executive power; and the necessity of this initiative is the most powerful and unequivocal check upon the undefined privileges of the representative assembly.

Be this as it may, all the dispositions adopted by the national assembly are so truly democratical, that to complete the transformation of France into a republic, nothing is wanting but to confide this executive power to a council, or a senate, nominated by the people, and to confer on the same senate, or some other elective body, the suspensive veto.

The

The question being thus reduced, let us see in what manner we are to discuss it, in order properly to judge whether this system of democracy be or be not suitable to France. And considering, in the first place, the executive power, it appears to me that there are two doubts which require to be solved.

First, whether the executive power, with such prerogatives only as the constitution has vested in it, would have greater force and efficacy in the hands of an elective senate, than when exercised by the monarch.

Secondly, whether, admitting the necessity of increasing the prerogatives of the executive power, that it might be competent to the discharge of its functions, the interest of freedom would advise that this power, with all its augmentation of strength, should be lodged in an assembly of men, elected pro tempore by the people, rather than confided to a permanent and hereditary monarch.

Though I should be misled in the examination

tion of these two questions, I shall yet have done some service in reducing so important a discussion to its simple terms, and thus having brought it within the sphere of a greater number of persons to examine.

The first idea that presents itself in favour of a senate, charged with the exercise of the executive power, is, that, elected by the nation, it would have more confidence in its strength, and would be more respected, than a monarch, possessing supreme rank by the sole claim of birth.

It might farther be supposed, that if the members of the executive senate and those of the legislative body were allied by a common origin, the suffrage of their fellow citizens, no disputes would prevail between them, and they would mutually derive assistance from each other.

But their being children of the same bed would be no pledge of unanimity. Competitions are never so active as between men separated

parated from one another by the most trivial distances : every jealous feeling is then awakened, and the first and slightest offence occasions instant irritation and war. The elevation of the one above the other, is not a circumstance indifferent to the harmony of the two powers ; and it is not sufficient that this gradation be the effect of a law, the universal regulator of every rank in the state ; it must farther be guarantied by the most powerful of all statutes, that of opinion. Two assemblies in every respect parallel, would never pardon the reproaches addressed by the legislative body to the executive power in France, and still less the forms with which they are accompanied. Such assemblies can only exist in small states, where each feels alike the necessity of order ; nor am I sure that the exception is applicable to republics that afford a constant fuel to vanity ; for in no case do the paths marked out for procedure more perpetually cross each other, than where the passion for applause and
the

the love of distinction are most eagerly cherished ; so many ways lead to the temple of vanity, so constantly do all roads terminate in that centre.

Let us suppose however a legislative assembly, upbraiding the executive senate with not causing the laws to be observed ; and the executive senate, in its turn, upbraiding the legislative assembly, and ascribing the disorder of which it complains to the incongruous nature of the laws themselves : such a controversy between equals, would shortly become a subject of general scandal and derision, and government, by losing its consideration, would not fail to lose at the same time all its ascendancy and influence. It is the elevated station of the monarch that dignifies the attacks of the legislative body ; and it is the splendid coat of mail of the throne that blunts the darts levelled at it by all the petty archers with which the national assembly is constantly filled.

But moral considerations have almost always escaped the view of our legislators, or have at least occupied but a small share of their attention ; and this is the main cause of our misfortunes. They have studied the body politic as simple anatomists, and have therefore never perceived the spirit that gives it motion and life.

I have placed in the number of circumstances favourable to republican systems, the confidence which a senate, elected by the nation, would have in its own strength. But without putting this article out of the question, I would ask, whether it is not balanced by the perpetual modifications to which the members of this senate would be instigated by the desire to please, a wish to be re-elected, or a hope to obtain from the suffrage of the people some future office ? Enough has been seen of the dangerous effects that flow from the hope of personal benefit in the midst of the legislative body. We have seen how many

many opinions, how many laws have owed their birth to the modest ambition of obtaining the applause of the tribunes. Character is a plant of slow growth; men who have but two years given in which to exhibit themselves, will scarcely deign to cultivate it. Popularity is a weed that grows up in a night; you may sow one day and reap the next. But if legislators have condescended to be governed by these motives, men whose functions have led them not to consider mankind but in the mass, and who cannot hope to survive, but in the benefits they confer; how shall we look for more inflexibility in a senate, whose office extends only to executive administration, and who must perpetually struggle with the interests and passions of individuals?

Be it farther remarked, that the temporary tenure of offices, a condition congenial to republican government, cannot be extended to the administration of a great kingdom without a farther weakening of the executive power,
a weak-

a weakening that would arise not only from the variation of principles inseparable from a perpetual succession of ministers, but also from the additional indifference that would be felt by all the inferior agents of government, the moment the superior, to which they had to look up, should be a collective body and a council. Such an administration is an idea so very abstract, that men know not how to annex to it the supposition of gratitude, kindness and remuneration.

I have therefore no doubt, that if any thing can supply the constitutional weakness of the executive power in France, it is the still existing shadow of royalty, it is the impression that remains of the ancient splendor of the throne, it is the calculation of all the chances which may augment the authority of the sovereign, it is, in fine, the idea that a single individual not removable from his station, and the small number of persons who are the agents of his will, are capable of a certain consistency

both in their gratitude and their resentments.

Their is another circumstance which cannot but present itself to the mind. The discipline of the army is one of the conditions most indispensable to the security of public order and the maintenance of exterior consideration ; and, in this point of view, can there be any comparison between the awe-inspiring supremacy of a monarch, and the authority of a collective senate, holding its office for a time and chosen by the people ? Every thing, as I have already observed, enforces the necessity of an idea of unity, as essential to an armed force, unity of will, unity of command, united temper, interest and movement. It is by means of one of the most powerful operations of the imagination, that an armed force submits to the yoke of obedience, and exposes itself to dangers of every description. It would therefore be no common stretch of absurdity, to expect an

army to be indifferent to the greatness and authority of the first magistrate. Ages must elapse before the idea of one's country can be expected to assume that powerful individuality which was the object of adoration in ancient Rome ; it would require a consistency and firmness in the principles of morality and virtue, of which our times are perhaps wholly incapable.

It will probably be said, that notwithstanding the annihilation of royalty, unity of temper and action, so necessary to the government of a large state, might nevertheless be preserved ; and that nothing more would be requisite, to obtain this object, than to confide the principal part of the executive power, in a republic, to the temporary president of the senate, or to some other transient chief, appointed, as in America, by the whole nation. But where is the man whose qualities and virtues would be sufficiently known, sufficiently extensive and spacious, so to speak, as to be thought

worthy of such a situation, in a nation consisting of twenty-six millions of inhabitants ? Nothing is less obtrusive than wisdom, nothing less apparent than moral character ; yet these two qualities are absolutely indispensable in the administration of public affairs. I will however suppose, that, once in an age, an individual should so far unite the suffrages of his countrymen, as to be sufficiently intitled to general confidence : how long will he preserve that confidence in the midst of a perpetual conflict of opinion, and of the numerous Areopagi with which France is interspersed ? How shall he surmount the obstacles which arise from the inconstant temper of the nation, and from the jealousies that a restless vanity will not fail to instil ?

We feel no great difficulty in supporting the ascendancy of our equals, in the character of legislators ; their authority acts upon us only in mass, and we regard them but as moralists & reputation, and philosophers brought into action.

action. Green-eyed envy consoles itself for the homages that are paid them, by calculating the number among whom those homages are shared, and the slender portion that falls to the lot of each. The executive authority appears under a very different aspect ; particularly where it is unreservedly confided to a single individual, and he one of our equals. No abstraction takes off its edge ; every thing in the application is precise and particular ; and this superiority, by the various forms it assumes, becomes only the more sensible and irritating. For this reason it is that political institution, when it made birth a condition of kingship, in reality practised a necessary indulgence to the weakness of mortals. It extinguished rivalship and ambition, while it defined the right of the crown by immutable laws ; it forbade resentment and enmity, while it made chance the only principle of exclusion ; in fine, by placing at a greater distance from the rest, him who presides over the rest,

it softened the splendor of his dignity and the fulgence of his greatness. I will admit, however, that a long reign and prosperous reign, would give to a mere citizen, raised by fortune to the highest rank, the power of inspiring confidence and gaining general admiration and respect: but when the authority is confined for no more than two or three years, none but the most unprecedented circumstances can insure, to this short-lived chief, the consideration and respect, without which his functions would be vain. To this it becomes us to add, the recollection of what he must be who is to support the greatness of the French character in his intercourse with the ambassadors of foreign powers. It is much more incumbent upon him, than upon a king, to maintain perpetual veneration, and to strike an awe even into the legislative body. Talents and virtues, however eminent, will not in this case be sufficient: he must have that native dignity, that keeps others at a distance without parade, and that

that impresses respect almost without being perceived. If, on the contrary, ill formed for his elevated rank, he should have any trivial familiarity in his manners, any ignoble weakness in his behaviour, or should afford any handle to ridicule and satire, one is unwilling to say it, but it must be said, it would be impossible for such a man, in such a country as France, to obtain and keep up that political authority which is inseparable from personal importance.

Here it will perhaps be asked, if nature, blind in her gifts, does not expose to the same dangers, does not subject to the same contrarieties, those who owe their crown to the chance of birth. I answer, rarely; for forms and dignified manners derive, in great measure, from a sort of confidence in the situation that is held, and a temperate desire to please, circumstances inherent in the education of princes and the habits of exalted rank. There is moreover a conventional grandeur existing

for kings, which outweighs their actual weakness. I know not by what accident, or what habit it is, that they appear to us surrounded with a magic brightness, that makes it impossible for us to see them as they really are, and our imagination, irresistibly entangled, is the first to bend the knee before the being of its own creation.

The history of modern times has preserved the remembrance of a republican chief, who carried the glory of his country to the most exalted height, and who knew how to maintain internal order with equal success. Cromwell, that singular character, obeyed and respected more than a king, owed his situation to his own efforts; and it is to be doubted whether he would have had the patience to have waited for the gratification of his ambition, from the gradual operation of our absolute pluralities, and relative pluralities, from our ballots by list and ballots by ball, and from all that gradual ascent of reputation, of which the primary assemblies form

form the first round. Cromwell, not sufficiently known before he started into celebrity, and too well known when he extended his yoke over England, would never have obtained by election the rank to which he raised himself by his own energy; and woe to the country, in which a man of this character and this genius should have the direction of public affairs!

The example of Washington may be adduced with more advantage, to combat the various reflections presented in this chapter; for the authority enjoyed by this renowned chief of the United States, is the result of the most free and regular choice. But what man was ever so well seconded by nature and by events? Prudence, moderation, fortitude, courage, an unimpeached morality, a commanding figure, adorned even in peace with the memory of his military greatness, every consideration seems united in his favour: all these, together with the magnanimous indifference

he

he feels for the dignity he exercises, and the general sentiment that his inherent greatness is nothing inferior to the splendor of his office, moderate the disappointment of the ambitious and the envious. It is not less true that this disappointment operates less in a nation by whom virtue is commonly respected; for the tribute we pay to virtue equally honours them that give and him that receives it. Another good consequence that flows from the general respect for principles of morality is to confound self-love and social together, is to shew the governors, that their office derives its authority from the public good, and the governed, that their obedience acquires lustre, at once from the man towards whom it is directed, and the motives that inspire it. In this case, rank does not look like a ladder of perpetual ascent, but like a circle, where the post of honour is in the middle; which post of consequence perpetually reminds him that occupies it of the necessity of keeping all the radii equal. In fine,

fine, and though I have before made the observation, it is worth repeating here, these sentiments, these principles of morality, the beginning, the end, and the sum of all, cannot be applied, with similar hopes, to a country of twenty-six million of souls, to a nation whose character is fixed, whose habits are rooted, and whose ancient forms perpetually obtrude themselves, in spite of the wide and flowing robe with which they are unsuccessfully endeavoured to be concealed. It is a country of four millions of inhabitants only of which Washington is president, and his authority is limited to the circle of interests, placed in a common stock by the federation of the fourteen states. How great the difference between this government and that of the whole kingdom of France ! It would require a colossal stature, a stature that should be every where visible, a stature that does not exist, to render possible, and of permanent effect, the election of a rotatory chief of a kingdom

kingdom like France; and in all countries, men qualified to unite the suffrages of a nation, are thinly scattered in the lapse of ages. In this point of view, we cannot avoid admiring the idea that has remedied the real imperfection of human nature, by that beauty of convention and compact that annexes to an hereditary empire: in a word, it was a most ingenious scheme to accommodate the unwillingness we feel to admire, by committing to chance, or to nature, if I may so express myself, the choice of object upon which our admiration should be fixed.

In the mean time, I confess that any senate, any council, any individual chief, or chief among many, elective too and nominated by the people, may equally possess the faculty of exercising efficaciously the executive functions, provided the most extensive prerogatives be added to their authority, for these prerogatives may be carried to a degree of despotism: but such combinations could not but be inauspicious

cious to freedom. Let us never then forget that, in France, monarchical authority will better protect public order, and give to the national consideration a more certain support, than any other institution of government. This principle being once established, can we be rash enough to infringe it, to gratify a chimerical jealousy and mistrust? I have demonstrated that the executive power, as composed by the first national assembly, was inadequate to the purposes for which it was instituted; and I have also shewn that an augmentation of this power, far from being a violation of freedom, would prove a safeguard to it; and the example of England alone, is sufficient to confirm this truth. Meanwhile should we think proper to quit reality, to enter upon a calculation of chances, it is not among the least probable, that all the various dangers, inseparable from republican government, and all the excesses to which it may give rise, may find their place in the midst of a country like

like France. We have only to recollect the disorder and agitation that at present pervade every part of our social system, in order to imagine to what height that disorder would rise, if the supreme administration and executive power were once to become the property of the people at large, if this last hazard-table were thrown open to a nation fermenting with a thousand passions, and which at present fixes its ruling desire upon the exercise of the various departments of political authority. The great end of government would be thought to consist in the pleasure of governing, and every one would contend for his share, either as elector, deputy, or eligible, either as censor, satirist, or petitioner, or as a member of those menacing and imperious parties, which are every where to be found in our clubs, our coffee-houses and our public squares. There would no longer exist a single sentiment, a single thought, that was not allied to intrigue or faction; and in the midst of

this

this general commotion, there would start up an ambitious individual, more fortunate, more skilful, or more daring than the rest, who, presenting in his turn the hopes and chimeras of futurity to men always disaffected, on account of their condition, to the existing order of things, would inspire the multitude with the desire of a revolution. He would also gather round him all those, who, tired of the disorders of anarchy, might wish, in the secrecy of their hearts, for the return of an il-limitable authority, and look to it as the only refuge. In short, he would seek to overturn the government, in order to elevate himself on its ruins, or, if that were too much, to dispose of his influence to the best advantage to some person more favourably circumstanced than himself, to realize the usurpation he desired. An intestine war would signalize the commencement of such an enterprize, and the establishment of the most tyrannical despotism would probably be its final result. Then should

should we regret the disdain with which we had treated the counsels of wisdom, and the abuse we had made of our fortune. Then should we regret, that, while we had within our reach every blessing and felicity, we wantonly sacrificed them to the most imprudent exaggerations. Then should we ask ourselves by what perverseness of character we had refused to acknowledge that a monarch, surrounded by the representatives of the nation, restrained by judicious laws, and subjected to the empire of opinion, was the true point of union, the connecting tie of order and liberty. Then should we lament, but our sorrow, alas ! would be too late, that in the necessity of confiding the executive power to an individual and distinct authority, and in the farther necessity, not less indispensable, of fixing invariably the limits of that authority, we did not perceive, that it was safer for all to render it hereditary and patrimonial, than to expose it to the continual invasions of the ambitious,

bitious, or to the turbulence of demagogues. It requires but a moderate portion of wisdom on the part of legislators to hold within the boundaries of the law, the man whom the law makes happy, and to attach him to the constitution, who owes to this national compact his rank and greatness : but usurpers of the rightful authority break through so many duties to arrive at this point, that no discretion can be expected from them ; and too frequently the most extravagant projects, the most violent and compulsory measures, are the inevitable consequence of the first violation of social order.

CHAPTER VIII.

CONTINUATION OF THE SAME SUBJECT.

THE appointment of an hereditary chief to the first office in the state, is not, as I have already observed, the only circumstance that distinguishes the French constitution from a republican government ; there exists another, equally remarkable, I mean the right granted to the prince of refusing his sanction to the decrees of the legislative body ; a right of the greatest importance, but which cannot prevent these decrees from passing into a law, if approved by three succeeding legislatures. Let us examine whether this royal prerogative be injurious to the welfare of the state ; let us examine if it ought, or if it can be made an argument to justify the avowed and ardent enemies

enemies of monarchical government. And in the first place, a most essential observation presents itself to the mind while occupied on this question, which is, that in the political annals of no modern republic, do we find an example of a national assembly, composed of a single house, and possessing the supreme right of making laws without the participation of some other power. This participation indeed, has not been determined and adjusted in a uniform manner ; but in the majority of republics it is more striking and forcible than in the French government.

The federative constitution of America has made the concurrence of three wills necessary to the validity of national laws ; the assent of the house of representatives, the assent of the senate, and the sanction of the general president of congress. Of these, the last condition only is subjected to certain restrictions, but the restrictions are of less force than the limits

fixed to the right of opposition, or veto, with which the French monarch is invested.

The particular states of America, in spite of their diminutiveness, and notwithstanding the deposit they have made, in the hands of congress, of a part of the functions of sovereignty, have also subjected to the deliberations of two houses, the decrees which relate to their interior affairs ; and New York, as well as New England, farther require that these decrees should be sanctioned by the chief of the state ; the form of which sanction is in all respects similar to the mode adopted by the federation.

In the republics of Europe, and in those most distinguished for their democracy, the legislative function is vested in the people or its representatives ; but the proposal of decrees originates, either with the executive council, or the chief magistrate ; and by this formality, to which the name of *initiative* is given,

given, the executive power has a participation in the laws prior to their being debated and approved by the legislative body.

Thus it appears, that even in Republics, it has never been supposed that the right of legislation could be lodged in the people, or their representatives, without a division of houses, or some restriction, some modification, some precaution, which should secure the state from the danger of hasty and inconsiderate measures. And were we to examine the constitution of every free government that exists, we should find, that, among the different limitations prescribed to the exercise of a single legislative assembly, the suspensive veto, established by the French constitution, was the weakest of all. It is not then this right of opposition, considered in the abstract, but its delegation to an hereditary monarch, that appears to be incompatible with republican ideas.

This essential distinction being once esla-

blished, the question that is to occupy our attention, reduces itself to a very narrow compass ; for we have only to examine, whether the interest of the nation does not imperiously exact that the right of opposition to the resolutions of the legislative body, should be confided to the executive power of the state, in preference to every other constitutional authority ; and it appears to me that divers important considerations leave not the shadow of a doubt upon this head.

It would, in the first place, be condemning the executive power to the lowest abasement, to make it the blind agent of the will of another power ; and on such a condition it could not exist ; for in vain would it attempt to fulfil its high functions, unless it were supported by public opinion. But it is asked, where is the necessity for this aid ? The means which the laws deposit in its hands are sufficient to enforce universal obedience. Such, I am aware, is the austere language of
the

the day : but if we are to trust solely to the operation of constraint, an usher of the black rod, or a serjeant at arms, would be the proper depositary of the executive power. The great art of the legislator consists in the creation of an authority, the venerableness of which may serve to dispense from a perpetual recourse to means of severity, a narrow and shallow resource, the frequent introduction of which is an offence to the dignity of man. The national assembly could have wished to have governed mankind by the instrumentality of decrees ; but when decrees have been made, the execution remains to be provided, and obedience to be secured, and here the real difficulty begins.

A second reason for vesting the right of sanction, or of opposition to the decrees of the legislative assembly, in the executive power is, that we could never rely on the zeal of government, if we had no mode of ascertaining their real sentiments respecting the laws whose

execution is entrusted to them. In a large kingdom there are various ways of creating difficulties, and assigning plausible reasons for intended delays ; and whenever the opinions of the legislative body and the sentiments of administration should strikingly differ, public affairs would remain in total stagnation, and become a perpetual subject of quarrel. It is an egregious mistake to imagine, that to establish perfect concord between the two parties, it is sufficient to remind ministers of their responsibility, and to dazzle them with the glittering sword of justice. They must be very ignorant of the world, who can depend upon such a precaution : punishment has relation only to faults of magnitude, the avoiding of which is easy ; it is in the detail of actions difficult to be marked, that enmity and ill will are exerted without danger. But the national assembly has hitherto shown a strong attachment to rigorous proceedings ; they have constituted the support of its systems, while

while the aid that might be derived from moderation and prudence it has neglected to appreciate. Arrived unexpectedly and without preparation to the enjoyment of a very considerable authority, it has swelled with pride, and in its state of exaltation it has taken for granted that its commands, which have proved all powerful to destroy, would not be less efficacious to build, to sustain and to perpetuate the new edifice they were desirous of erecting. But between these two operations the distance is incommensurable. The one often requires only the aid of circumstances, to the other the deepest reflection and all the sagacity of genius are necessary ; the one has all the passions for accomplices, the other has them all to contend with.

A third argument, calculated to prove the propriety of uniting the right of sanction to the legislative power is, that in all political questions, administration will always possess a science peculiarly their own ; not a science that

that derives from their personal merit, but from the nature of their functions. They must be particularly acquainted with the extent of the powers to enforce; not to add various other articles of information, which will be neglected by an assembly, whose authority is of two years duration, and will be attended to by a less transitory authority. Thus by conferring upon the executive power, the right whether of initiative or of sanction, we obtain not only an additional stock of knowledge, but a kind of reasoning that flows out of different habits.

It is not then by chance, but from consulting the good of the state, that the legislators of every republic in Europe have made the executive power to participate, in some mode or other, in legislative resolutions.

Nor would the effect of this observation be destroyed by alleging, that the liberty given to the king of England to refuse his assent to acts of parliament, must be considered as of no

importance to the interests of the nation, since he never makes use of this liberty. It might be answered, that the mere possession of the right is sufficient to support the dignity of the executive power in the English monarch; and that the presence of ministers, either in the house of commons, or house of lords, the essential part they take in parliamentary measures, and the initiative which they habitually exercise, associate government, in the most striking and efficacious manner, to the deliberations of the legislative body.

There exists however a practical exception to the principles established in this chapter; for the majority of the American States have granted neither right of sanction, nor right of opposition to their executive power, and the united approbation of the two houses, of which their legislative body is composed, is sufficient to the validity of laws. This disposition however has been adopted neither by New York, nor by New England, nor by Georgia,

Georgia, and even if there resulted from it no inconvenience, it would not amount to the authority of a precedent, on account of the peculiar circumstances that accompany it. It is not necessary for me to mention over again the total want of analogy between the petty states of America, and a great kingdom like France; but I will remark, that these states have divested themselves of many essential branches of sovereignty, to confer them upon the general congress, and that in the general congress the consent of the executive power, with the reserves I have specified, is indispensably required to the validity of laws. The legislation of the particular states of America therefore, is limited to their interior affairs, and thus circumscribed, as well as supported by the principles of morality and order, which are inmates of America, any species of free government would be adequate to their administration. Farther than this it ought to be carried, that in a society where men are equal

equal not merely in name, but in the interior persuasion of their hearts, the deputies to the legislative body have a perpetual and familiar communication with the head of the executive, a communication which palliates and modifies the inconveniences attached to the abrupt separation of these powers in speculation. In fine, let us suppose, which is a thing very possible to happen, that the particular states of America should aggrandize themselves, that their interests should become involved and complex, that the simplicity of their manners should be corrupted, that enmity should break out, and intestine divisions be fomented, I will then venture to predict, that the legislative and executive power will take opposite fides, or at least that they will become disunited to such a degree as to annihilate all relation and concourse of opinions and wills between them.

Let us recapitulate the arguments we have employed.

employed. I have shown in this and the preceding chapter :

I. That the delegation of the executive power and suspensive veto to an hereditary monarch, constitutes all the difference between the French constitution and republican government.

II. That a legislative assembly, exercising of itself, and without modification or limit, the right of proposing, discussing, and determining, all the laws of the state, would be an institution contrary to the true interests of the nation, and the instructive examples that we see around us.

III. That in the necessity that existed of making choice of an authority distinct from the legislative body, to which to confide either a right of assent, or an initiative right, the preference was due to the executive power.

IV. That in a kingdom like France, the executive power must be lodged in the hands of

of an hereditary monarch, or public order and freedom would be exposed to peril.

From this chain of propositions we may infer, that the right of opposition, to the decrees of the legislative body, vested in the king of the French, can no more justify the inconsiderate wishes of the partisans of republicanism, than the appointment of this monarch to the executive power and the supreme administration.

CHAPTER IX.

Concluding reflection on the same subject.

IN entering upon an investigation of new republican systems, I should, at any other period, have first examined whether they were practicable; but at present, nothing is real, nothing at least acknowledged as such, but abstruse reasoning. Possibilities, like examples and precedents, are no longer considered as authorities of any weight; and in this country of theory, in this newly inclosed land of metaphysics, it is boldly presumed that all seeds will germinate, and all plants flourish; and they are in a manner excusable in entertaining this sentiment, seeing what we have seen and continue to see. Now, however, after having paid my respects to the powers of abstraction

tion in a long discussion, I hope I may be allowed to draw forth from their obscurity two truths, of a less sublime and general nature, two observations, far indeed from novel, but not destitute of importance: the one is, that the majority of the French nation will never consent to an alteration of its monarchical government into a republican one; the other, that foreign powers would not acquiesce in this political subversion; and of consequence, that a domestic and foreign war would be the only result of such an attempt.

But why, it will be asked, should we suppose that the very same people, who have so highly approved, and celebrated in such vociferous strains the daily degradation of the authority of the prince, would rise up against the absolute extinction of royalty, particularly as this dignity at present, stripped of the power that is its peculiar attribute, is nothing more than a vain pomp? The grounds of this contrast are easy to be observed. The suc-

cessive degradation of the royal authority, the gradual disarming of the executive power, are ideas sufficiently conspicuous to an attentive spectator, but which escape the slight and careless observation of the majority of mankind. Nor can any thing appear more natural than this, if we recollect a truth established in the commencement of this work, and consider that the prerogatives of the executive power were fixed in a casual and unsystematical manner, without any timely observation of the point in which the independent provisions of the different projectors of the first national assembly would terminate. But if such were the mistake of the committee of constitution itself, can we be astonished that the nation should not perceive all the consequences, with respect to the royal authority, of these miscellaneous decrees, adopted by starts and by accident through the course of a session of twenty-eight months duration? Alive to the remembrance of former abuses of authority,

/

they

they could not but observe with joy the reduction of a power, the idea of which was still terrible to them; and having never reflected, either upon the degree of force necessary to the government of a vast empire, or the multitude of bearings and connections which form the ground-work of obedience and subordination, they were absolutely ignorant whether the prerogatives of royalty were too much or too little retrenched. They still saw the name of king at the head of the constitution, and they never conceived the idea of calculating at what distance we were from a republic. But should this last barrier, which separates us from such a form of government, be suddenly broken down, the old partisans of monarchy would be roused from their inattention, and the alteration of names would make a deeper impression than has ever been occasioned by the subversion of things.

The sentiments of the people, spite of all the instructions we may imagine ourselves able

to give them, will always be formed in a manner precisely opposite to those of the philosopher. The philosopher proceeds from general principles to their consequences, and from these consequences to particular and individual facts, words serving no other purpose than as a register of these facts. The people on the contrary proceed from words and symbols to sentiments and opinions, and passion frequently begins to urge them in the very place where men of energy and penetration have already run their career and made up their determinations.

Vainly then would the partisans of republican government attempt to prove, that such a government differs but little from the existing constitution; vainly would they insinuate that there would be an inconsistency in having acquiesced, without regret, in the transformations which have introduced that constitution, and afterwards opposing a mere formality designed to complete the *system*: the names would

would no longer be the same, and the efforts of the innovators would be useless.

It is not unimportant also to observe, that the felicity promised by these systematic republicans would consist entirely in the future, while the most deplorable divisions, and calamities of the first magnitude would be our immediate portion. Meanwhile should we not have reason to doubt of this felicity, adjourned from time to time, and of which the present generation can know nothing but from the terrible harbingers that announce it ? The genius of our benefactors deals almost exclusively in injury to ourselves, reserving the fruits for a distant posterity. Alas ! my mind, no doubt, is prosaic and short-sighted in comparison of theirs ; for it rejects the most flattering prospects when they must be enjoyed amidst the tears of misfortune and the groans of the oppressed. Could the skill of man, however, insure to us the fruition of this destiny, which is to be purchased by so many

sacrifices, we might resign ourselves to the change ; but we are required to renounce the present, and all the security given us for the future are simple abstractions.

The reflections I have suggested upon this article, may seem to be merely an affair of feeling, but they are of the highest importance in the investigation of political truth ; and if we accurately observe, we shall soon have occasion to see that the affections of the soul have a striking analogy with the moral perceptions of the understanding : nothing is more clear than that they spring from a common root, and lead us back, if I may be allowed the expression, to an universal author. Let us illustrate this observation by a recourse to the subject that suggested it, the transmutation of the French monarchy into a republic.

I have just expressed the feelings of a soul oppressed with the image of those calamities that hang over us, and which a refined theory represents as the pledge of distant happiness.

piness. At the same time I seem to myself to have discovered a train of arguments correspondent to these feelings, and which rests upon a first principle of the highest importance. I ask myself what social power there could be, lawfully invested with the right of subjecting or exposing the present generation to all the calamities of civil war, in deference to the imagined interest of a future race; and how ever opposite my decision may be to the general opinion, I cannot comprehend how so lofty a prerogative can be delegated to sovereigns, the masters of a single moment in the succession of ages. For such a purpose it were just to call in a perpetual arbiter; a monarch, so to speak, of ages and centuries, to whom we might, without exaggeration, attribute the capacity of regulating the difficult controversy between the present and the future. Emboldened by this discovery, I ventured to doubt the plenipotentiary powers even of the people itself, and whether they extended .

to the subversion and annihilation of principles of government. The bounds of its understanding ought to bound its presumption ; it is capable of no unity but of feeling ; and of consequence changes purely speculative are out of its province. It is only by a fiction that in such affairs any one can pretend to act in its name. In great revolutions, in circumstances, in which, by a subversion of principles, the fortune of a nation may be overturned from the foundation, it is not sufficient to obtain the approbation of its temporary deputies, it is necessary to consult the perpetual representative of its interests, its rights and its duties, and this perpetual representative, whose throne is built upon everlasting foundations, is no other than unalterable justice. The sovereignty of the people, in a kingdom consisting of twenty-six millions of souls, is a perfect abstraction ; for the innumerable wishes and sentiments of a master this can never be known by the small r of persons appointed to be the interpreters

preters of them. Under such a reign, therefore, every plan, every measure, every system, in whatever legal form it may be clothed, will be usurpation, if it do not bear the stamp of reason, justice, and sound policy.

These, I know, are truths which imperious demagogues love not to hear. Their object is to erect a sovereign whose authority should be independent, whose despotism should have an appearance of legality, in order that they may reign in his court, command in his name, and have a sanction for their own excesses, their animosities and their revenge. With what dissimulation do they ascribe to this sovereign ideas and wishes that he does not possess ! They now cast him as best suits themselves, and profess a most sacred respect for the sentiments they put into his mouth. All on one side is artifice, and on the other credulity.

I have said that a second obstacle to the conversion of the French government into a republic, would spring from the opposition
that

that would be made by foreign powers to such a revolution. It could not with justice be expected that they should be indifferent spectators of so important an event, that they should remain uninterested in the destiny of a royal house, seated for eight hundred years on the throne of France, and united, by ties of blood, to all the sovereigns of Europe. In vain would our polemical writers hope to detach them from the cause, by telling them, that the representatives of the sovereign people, had, in a national convention, determined this change of constitution, by a majority of three hundred and ninety-nine voices against three hundred and forty-seven, or in some other proportion, and that therefore the revolution was perfectly legal. Precisions of this sort are proper, and even necessary, in the usual course of things; but in circumstances out of the common order, they become pedantic and absurd, and the principles themselves are no longer of the same nature. Reason,

son, august reason, which laid the foundation stone of all truths, has reserved to itself also the power of marking out their boundaries; and of being called in upon all occasions, in which, by exaggerating these truths, we wrest them in any degree from their original sense. Thus, to apply this remark, the will of a sovereign people is legally expressed, in the ordinary course of affairs, by the majority of its deputies, even though each deputy should, as in France, represent thirty-five thousand souls ; for reason tells us, that, in a political deliberation, we must adopt the best means, be it what it will, of arriving without trouble or disturbance at a decision : but the sovereignty of a nation cannot be thus represented, when the question relates to a subject so grave and so immense as an absolute change of the very form of government. Reason refuses to allow an affair of this importance to be decided by forms, and the empire of method to usurp so tremendous a province.

It

It is therefore necessary that the desire of a revolution should be attested in a stronger manner, not only to render the revolution legitimate, but the better to ascertain that it is the national will. This will, when the object is an entire change of the social order, ought to be attested by the publicity of the motives that produced it, by the misery of the people, the arbitrary proceedings of their chiefs, or by whatever other sign, that admits of no dispute, and which reason cannot appear to controvert.

Hence it follows, that, according to the character of a nation, to the greater or less spread of knowledge among its members, to the stronger or weaker degree in which it can be subjected by declamation, or rendered the sport of turbulence and intrigue, we are obliged to employ greater precaution in asserting will, and a stricter formality in recording it. Thus in a nation like the American, the multitude are not condemned by their

their poverty to absolute ignorance, where men have more character, where vanity, self-love and the other motives of the imagination have not erected their empire, where morality has a fixed authority, and reconciles the jarring powers of sentiment and reason, there, I say, the general will is less obscure and ambiguous than in France, and a small number of sages may be sufficient to express it and guarantee its reality.

It cannot then be dissembled ; there exists no simple way, no way compatible with justice, with internal tranquillity and external peace, by which to introduce into France a strictly republican government. The attempt would bear so striking a character of violence and usurpation as could not fail to excite a universal alarm.

There are contagious calamities which interest other nations much more strongly than violation of territory. It cannot be imagined that they should look with unconcern and stoical

stoical apathy on the establishment of a source of disorder and anarchy in the very centre of Europe, on the continual encouragement granted to systems of insurrection, and on the subversion of principles which, in all countries, serve as pillars to the social edifice. Our first demagogues would, in a very short space of time, overturn all the power of government. They would excite the people to discontent by secret manoeuvres and false promises ; they would then say that they heard its voice ; and proclaiming this murmur as a sovereign law, terrifying by violence all who should dare to object, they would become the tyrants of the earth, while they pretended to be its liberators. Alas ! such friends of liberty do more injury to its cause than despots ; and in whatever republic they should reign, light-houses ought to be placed at the four corners of the territory, to caution travellers against approaching it.

Let us then repeat the sentiment, while it is

is yet not too late. France has greater need of its king, than the king has need of it. I do not know what portion of happiness an individual may derive from rank and fortune, for habit, even in times of the utmost serenity and composure, soon extinguishes the charm of this kind of superiority : but this I know, that France, under the empire of all the hypocrites of liberty, France, subjected; under the name of a republic, to the successive yoke of every daring spirit, France, without any point at which to rally, the sport of every vanity and torn by all the passions would exhibit a most terrible and heart rending spectacle ; and the final result would perhaps be, that, from one end of the earth to the other, the question would be agitated, whether men, for the greater part without property and by the sole privilege of having drawn their first breath on the banks of the Seine or the Loire, would possess the right of rendering uninhabitable, by any but themselves, a country consisting

confisting of twenty-five thousand square leagues, situated in the most charming climate in the world, and favoured with the most precious gifts of nature. There is no idea, however absurd, that the abuse of force and the exaggeration of individual rights may not sustain : and the ground of this is obvious, it is that not the will of individuals, but reason alone is the eternal law, the first and the last, and that her empire is everlasting.

Let me not be told that a republican government is the patriotic wish, and that its establishment will be the work of patriots. Who is there that can deserve the title ? Who will dare to assert their claim to it, at the time that they plunge their country in all the horrors of anarchy ? Patriots are those who love order and the laws, as much as liberty ; patriots are those who wish to render liberty the portion of all men, and not the exclusive privilege of a cast of factious spirits and demagogues ; who are desirous of placing

it

it under the guardianship of a well ordered authority, and not under the protection of every popular tyrant ; patriots are those who wish to see their country the refuge of the oppressed, the sacred asylum of persecuted virtue, an honour in the midst of nations for amenity of manners, splendour of talents, and the glory that is attached to every generous proceeding, and not the school of ingratitude, or a place of terror to every honest and peaceable citizen. These are the only genuine patriots ; history and future generations will acknowledge no other ; and time will efface all those false colours with which the traits of our fantastic heroes are at present disguised, and by which they vainly hope to mislead impartial posterity.

C H A P T E R X.

Of federative Government.

BY federative government is understood a union of small states, which, without renouncing their rights of sovereignty, or their particular interior administration, submit themselves, as to their general interests, to the authority of a representative diet, or a supreme chief, or to the authority of both these powers combined. These general interests consist in commercial regulations and treaties, offensive and defensive alliances, resolutions of peace and war, the apportionment of expences, contributions and loans necessary to the defence and safety of the United States, to the execution of hostile projects, and every enterprize of common benefit. They farther include the

different precautions relative both to the maintenance of each individual government and the constant observance of all the duties of the union. In fine, federative legislation may be extended to a uniformity of money, weights and measures, to the direction of public roads, and to such other dispositions as are for the equal convenience of all the contracting parties.

A convention of this nature may be established between republics of very unequal population, as in America ; and may even exist, as in Switzerland, between republics which differ not only as to their extent, but also in the principles of their respective governments. Meanwhile the complete harmony of these constitutions would no doubt require, that, between the different states united by a political contract, there should be an entire and unlimited parity.

Federative government, considered in its perfection, and abstractedly from circumstances

that may be unfavourable to its establishment, unites advantages of the greatest importance and the highest estimation. It secures political energy, without giving to the depositaries of the different powers a task above their strength, and by preserving all the means of defence which result from a venerable and commanding association. It circumscribes the civil government within the limits which the weakness of human beings renders so necessary and proper ; and while the people derive from it the security, which is the particular apanage of great states, they enjoy at the same time all the fruits of that wisdom and those vigilant cares that essentially distinguish the administration of petty republics.

Could we then, by any supernatural means, divide all Europe into republics consisting of three or four hundred souls, and out of these republics form fifteen or twenty federations, similar in their organization to the federation of America ; could we farther, by the same

act

act of power, give to these new nations a moral character, free from contamination, and a spirit congenial to such a mode of government, I have no doubt that the peace of the world and the happiness of mankind would rest on more solid foundations, and that a thousand other salutary influences would derive from this political transformation. But constitutions of this kind, though they were to depend on the most perfect freedom of choice, could not be made to accord with the interest of the people, without the uniformity I have supposed: for if placed amidst powerful kingdoms, amidst governments subjected to the authority of a single individual, nothing would be more precarious than their existence, unless, like the Helvetic cantons, defended by their situation, or, like the states of America, by their distance from Europe.

In the mean time, such is the imperfection of the French constitution, that, were it not susceptible of change, a federative govern-

ment would be preferable ; and of the two innovations there would have been more genius in risking this last, than in giving us, by way of experiment, a bastard republic, a constitution of parade, a government without solidity, a body without a soul.

It would at least be possible to have alledged many striking arguments in support of the system of federation. It might have been said, that to insure liberty and order, and above all to restore simplicity of manners, it was necessary that the task imposed upon government should not be beyond its strength, and that this great moral instructor should not be kept too much at a distance from the majority of his pupils. It might have been said, and that with the most perfect philosophical truth, that one legislation, one executive power, one supreme administration, one public opinion, must ever promote, in a very imperfect manner, the happiness of twenty-six millions of men. It might have been remarked, with

true

true moral sagacity, that the only sure means of subduing the ascendancy of rank and fortune, was to narrow the social theatre, to shorten the line of perspective, and to diminish the effects of imagination, which would at once render talents and virtue more conspicuous, and enable real superiority to maintain a hopeful contention with the superiorities of opinion.

In fine, in the midst of the anarchy of which we are witnesses, and while so great a number of citizens are divided between the interests that retain them in France, and the fears that general insubordination inspires, it might be regretted that France was not divided into so many independent states, that might have felt the necessity of maintaining peace and order within their several spheres, and that should, in this respect, have emulated each other in the desire of inviting among them the proprietors of wealth, and

the inhabitants of every country, who rank personal security as the first of blessings.

It would indeed have been more difficult to shew how political force and political activity could be reconciled to a federative government; but France has so many means of defence, when she is prudent and does not invite all Europe to make war upon her, that those difficulties would not have been invincible. The great obstacle to such a constitution, would not, in my opinion, have arisen from the impossibility of uniting federative government and political strength, or from the dangers of sacrificing general liberty to the acquisition of this strength; but from other considerations, less visible, but still more insurmountable.

The indivisibility of monarchy is as dear to Frenchmen as monarchy itself. Our legislators, however, either with their consent or without their knowledge, have contrived to alter this indivisibility, by the nature of the powers

powers that have been instituted in all the departments, as they have struck at the subversion of the monarchical government, by the degradation of royalty: but a visible change, both in names and in forms, a change that should have impressed the imagination of the people, would have experienced a very general opposition. The French, after having constituted for so many ages the integer of a great nation, the image of whose glory is present to their minds and lives in their hearts, would never consent to partitions, that, in their estimation, would diminish the splendor of the kingdom, and substitute in the room of its real unity, a fictitious federative unity. France, it is true, by adopting such a system, would be in the same situation as America; but the political procedure of the two nations in this respect, would be extremely different. America already existed, divided into separate states; it therefore only received a greater consistence, and as it were a sort of moral

extension, by the federation of these states. France, on the contrary, would pass from the most complete whole to sections and divisions; and though these sections might remain united, it would still be a sort of decline, and a movement directly the reverse of the progression of the Americans. Now a nation would not easily resolve upon a retrograde march, even with the certain prospect of a better government; and this struggle of reflection, against the power of the imagination, is almost always unsuccessful.

The most considerable of the American States, as I have already observed, have manifested a disposition of dividing themselves into two parts, of which each is to be an independent state, when their increase of population shall have established a disproportion between the duties and power of their government; and, should they execute this project, they will give an example unique in the history of the world. But a political morality, of the

the highest perfection, would be necessary to induce men to reject the ideas of the greatness of their country or province, and to sacrifice them to the mere desire of maintaining social order. This morality is, however, absolutely required for the discharge of the severe duties of a federative constitution. I call then upon the French themselves to determine, whether they be capable of this austere justice, whether they could be sufficiently firm and collected to live in a nation of forty or fifty federated republics, still maintaining the love of peace, and desiring nothing upon all occasions but internal happiness. We may justly doubt of this. They are too fond of distinction, too fond of acting, in every sense, to be able to contain themselves within the sole limits of felicity. Formerly it might have been practicable, but it is otherwise now. They resemble, at the present moment, men escaped from a long captivity, and who love nothing so much as unrestricted space : in vain should

we

we recommend to them to form themselves into separate states, they would conceive that it was reducing them to the condition of anchorets. A great number among them, it is true, wish for a republic, but they would have it as large as the universe ; for when they form to themselves the pleasing idea, it is more from a desire of reigning, in their turn, than from any natural attachment to the austere empire of morals. They speak with affection of the law, but it is rather to dictate than to obey it ; and if they profess equality, it is much more from personal and ambitious motives, from an unlucky school-boy disposition to laugh at their former masters, than for the sake of enjoying, like the English, the sentiment of a tranquil and unapprehensive pride.

The character of the French nation is not yet fixed ; every thing is in revolution ; and this is the apology that should be offered for its errors by its true friends. But one of the severest

severest reproaches that can be cast upon its first legislators, is that of having obliged it perpetually to go out of itself, and perpetually to appear in the act of offence : for such is inevitably the effect of a constitution in which every consent is forced, in which all powers, all authorities are mutually jealous and mistrustful of each other, in which nothing is connected by the tie of happiness, in which practice and theory, maxims and their application, realities and appearances are in a state of war.

There are also circumstances peculiar to the kingdom of France, which it would be no easy matter to reconcile with the establishment of a federative constitution. I will cite the two principal ones. France, by its central situation in Europe, has need of a great number of fortified places for the defence of its immense frontiers ; and the support of these places, the expence they would require, and above all the military powers that must be established therein,

in, would be so many subjects of controversy between the federative authority and that of each of the states in which these fortified towns may be situated.

Another obstacle to the establishment of a federative government in France, would derive from the magnitude and splendor of the city of Paris. This capital of an undivided kingdom, would then be only the chief town of a federated state; and the other parts of France, ceasing to participate in its lustre, would not fail to become jealous of it. Beside, as it would no longer be in an equal degree the centre of affairs and of general circulation, the liberal arts, those companions of fortune, the liberal arts, which require a vast theatre to arrive at perfection, would insensibly lose their renown. The inhabitants of Paris, therefore, foreseeing this decay, would avail themselves of the superiority of their credit in the kingdom, to combat a system so essentially contrary to their interests.

In

In fine, it is not possible to make two successive attempts at the introduction of a new government ; for the passions, whose co-operation is necessary to the success of such an enterprize, cannot be turned out of their course ; on the contrary, it is necessary, in order to maintain their first impulse, that we should continually smooth the way before them, and to retain the multitude on our side, we must always guide it in the same direction. Various considerations then might be adduced to shew, that, even were we to regard a federative government as the best of all political systems, we should now attempt in vain to establish it in France, and to substitute it in the room of a temperate monarchy. And let us here call to mind a reflection, already illustrated in another part of this work, but which is perfectly applicable to the present question. The hereditary nature of the throne and every kind of supremacy by right of birth, would be incompatible with a federative

tive government, composed of republics subjected to the principles of absolute equality. The office of Stadholder, the succession to which is by right of primogeniture, could not be maintained in the United Provinces, if there did not exist in each a body of nobles, a pre-eminent body, serving as a mediator between the chief of the state and the rest of the nation, and which thus keeps alive that interior persuasion, that descendable veneration, which is able successfully to resist the mutable and precarious laws of nature, and preserve the force of an hereditary authority, however unequal may be the character of the prince by whom it is exercised.

It will now be asked if the national assembly, by dividing France into departments, and by confiding to the free choice of the people the nomination of the administrators, the judges and the ecclesiastics of each of the different sections of the kingdom, have not borrowed from the federative government of

America

America all that was most valuable, and have not thereby displayed the instinct of the bee and the true sagacity of genius. The legislators of France would doubtless assent to this *conchyrum*: but, for the timely prevention of remonstrances, let us examine a question that has before offered itself to my notice, but whose importance is such, that the discussion necessarily demands a more than cursory attention.

No doubt there are traits of resemblance between the constitution of republican governments and the constitution of our departments; but in politics, as in all sciences that have relation to life and manners, similarities that lead to contrary results, are actual differences. Social organization is not a cabinet rarity, destined for the amusement of the curious; to judge of it properly we must see it in motion and applied to the use for which it was intended. And setting aside, for the present, every kind of social organization, what

should we say to an artisan of Paris, or any other great town, who, after having made a common village clock, but a clock that would not go, or that played the chimes at the wrong hour, should answer the complaints of the parish officers, by proving, wheel by wheel, and pin by pin, that his clock was exactly similar to that of Notre-Dame or Saint-Sulpice? Observe, says he, the crown wheel and pallets which form the escapement and give motion to the balance; observe also the verge and pendulum spring; observe the---. My good friend, Mr. Artisan, says one of the parish officers, we see that your story is all very plain and very distinct, but still our clock does not go.—What do you say, not go? You think perhaps that I have not made the balance sufficiently large to possess the requisite centrifugal force.—No, I do not say that.—That I have neglected to adjust the wheels and the pinions.—No, I do not say that.—And in God's name what do you say?

say? — I say nothing, Mr. Artisan, but that our clock does not go, and we must have another.

In like manner, in the organization of two political societies, of which one should compass its end and the other widely deviate from it, the ingenious legislator might easily find, between the different parts of the two constructions, a variety of similitudes, and yet the ignorant public might say, with the parish officer, *we have no doubt of your skill, but our clock does not go.*

I am aware that this coarse mode of reasoning cannot but be very unpalatable to the legislators of France. They have, indeed, been abundantly careful respecting all the figurative part of the political machine; and if men were not so absurd as to attach considerable importance to a single particular, its exact and regular movement, neither the artificer nor his work would be liable to the slightest reproach. But let us see if we can add no-

thing to the arguments of these unpolished logicians.

The individual states of America, as well as the majority of republics, perceive order established among them, the laws respected, and their public administration conducted without effort and violence.

The departments in France are founded in appearance upon similar principles, and elections are determined therein by the voice of the people. Why then do they present so different a spectacle ? The levying of contributions experiences resistance ; the rights attached to manorial lands, and which have been sanctioned by the national representatives, depend for payment solely on the will of the debtor ; the circulation of corn is obstructed ; property imperfectly secured ; the tribunals over-awed ; personal safety often exposed to the violence of the people ; in fine, the departments, uncertain of being obeyed by the subordinate authorities, feel in their turn a senti-

a sentiment of independence in all their intercourse with the supreme head of executive power. Whence this contrast between our departments and the individual states of America? Why are two constitutions, resembling each other, productive of so dissimilar effects? The reason is not difficult to assign.

Each American state possesses within itself, if I may be permitted so to speak, the whole apparatus of government. It has not only elective judges and administrators, like our departments; it has also a distinct legislative body; it has an authority of opinion peculiar to itself, and every institution suited to its manners or its genius. They are these means united, and united within a limited circle, which, forming in a manner the spokes of one of the same wheel, give to the whole administration a certain and regular movement. The mutual dependence of the legislative power, the executive power, the judiciary power and the power of public opinion, makes

them act together and with a common accord; all the citizens in that case become so many agents of the same principles and the same authority, so many judges of the general interest, so many inspectors of the observance of the laws.

There certainly exist in America a legislative power and an executive power, placed at a considerable distance from the different parts of the continent subjected to their authority; I mean the power of congress: but this power has no influence over the civil order and interior administration of the individual states; it reigns, as it were, at the circumference of them all, since its empire is restricted to external affairs and the maintenance of harmony between the federated republics. Thus it diminishes the functions of each particular government, without occasioning any disagreement between its desires and their **domestic determinations**, between its opinions and their respective interests, and without risking

risking at least, by its daily exertion, a failure of the respect due to its supremacy. And this is one of the many great advantages of federative government.

Not one of the circumstances I have enumerated, so auspicious to liberty, so favourable to public order, is applicable to the departments of the kingdom ; so widely does their organization differ, in essential points, from the constitution of the American states. They have, in the first place, no appropriate legislative body : the decrees by which they are to be governed, depend on the majority of voices in a national assembly, where the same laws are instituted for them, as for the other eighty-two sections of the kingdom. This national assembly, serving as a legislative body to all the departments, is situated at a very considerable distance from many of them, and they have no influence over its sentiments but by means of a small number of deputies. These deputies also receive no mandate, no

M 4 instructions,

instructions, and are at liberty to prefer their individual opinion to the general will of the citizens by whom they are elected. Hence it appears that the national laws cannot obtain, in the different departments, that energy of consent, which belongs to laws conceived, digested and adopted in the midst of petty states, whose interests they are destined to regulate. The will of an assembly, dictating, by its sole authority, the obligations and duties of twenty-six millions of men, cannot correspond, either generally or habitually, to the prevailing opinion in each department; and it will frequently happen that, along with the law, will arrive in the different parts of the kingdom, an account of the dissensions that attended its formation, and which by this means are calculated to defeat its operation. There is therefore no comparison between the authority of laws made for the government of a moderate population and published from the centre of a republic of trivial extent, and

the authority of laws issuing from a single spot and designed to extend over a vast kingdom.

Let us add to these reflections a farther remark, entitled, I conceive, to particular attention. It is that legislative authority, to be exercised with effect by a single assembly, composed of our equals and representatives, must be adapted to a theatre infinitely circumscribed; for, destitute of all the attributes which strike the imagination, it is necessary, in order to give it relief and obtain for it the support of opinion, that the conformity of its decisions with the principles of morality and reason should be readily perceived; and that its laws should thus appear, in the eyes of all the citizens, stamped with the image of the most august of authorities.

It is farther to be observed, that in the independent States of America, and in all republics, the residence of the real executive power is in the neighbourhood of the legislative,

tive, a condition absolutely necessary both to the wisdom and strength of which it has need. Legislation and execution must be kept separate, but in spirit they must be blended with each other ; a remark of great importance, which has I believe never been made, and which would hitherto have been totally useless, for never till now did any of the different founders of political societies think of placing the mere form of the executive power in the vicinity of the legislative, and scattering its reality in all the provinces of the empire. What is the consequence of this division ? It is that the executive power is not what it ought to be ; always too weak and too strong ; decrepid at the head of government, unbridled in the circumference. And yet between these two divisions of the same power, the supreme administration and the departments, it is the shadow with which men are perpetually contending, and the real that they treat with forbearance ; on one side is the lion's

lion's skin, and they come out manfully to fight it, on the other side is the real lion and they shrink from him with alarm.

Nor is this all. The departments, independently of the unavoidable sentiment of their own vigour, a vigour more entire and less exposed to accident than that of the legislature itself, have also an obvious means of rendering abortive any responsibility that might be imposed on them; and this is the power of resistance placed below them, under the name of districts and municipalities *.

* The departments may act as they please, when not at variance with a municipality more powerful than themselves, or with the political society of the canton. In that case the department says in vain : It is my province to command.—The municipality replies, it may be so, but I will not obey your commands.—But the constitution ! rejoins the department, the constitution for which you have promised to die ; this is the moment of trial.—Not at all, answers the municipality ; you indeed may thus interpret it, but I understand it differently : I will, therefore, with your supreme permission, continue to live, and yet will not obey your injunctions. The embarrassment thickens, the controversy

Every day then, shall we perceive more fully that no comparison is to be made, either in point of public order, or in point of liberty, between the executive power of republics, and that which our legislators have invented for France. That the one is preserved in all its plenitude and its unity, the other divided, partitioned and dissected in every possible manner. That the one is completely under the superintending eye of the legislature, and that the other has only its shadow subjected to this inspection. That the one is surrounded, supported and restrained by opinion, and that the other has no such central position, because it has no where a body and a shape. That the

verry becomes more violent; and after having been a subject of scandal and derision for a considerable period, the affair comes before the national assembly, who takes cognizance of every circumstance even the respective credit of the two parties, and afterwards pronounces its decision, but with as much tardiness as possible. And the king! alas, he is all the while the supreme executive power; no one denies it, no one feels sufficiently interested in the question to dispute it.

one is responsible for remissness, while the other may exculpate itself by appealing from its conduct to its means. In fine, that in republics, the executive power is always accountable to the citizens at large for the abuses of its authority, but in our government, the departments can exercise all manner of despotism at the same time that they can repulse complainants by pretending that they are only subordinate, and referring the aggrieved to the supreme executive power, that real mockery and shadow, which is obliged to plead indulgence to conceal its nullity. Thus one of the numerous absurdities of the French constitution is, that the right of appeal, in the scale of administrations, conduces less to restrain the inferior ones, than to provide them with a perpetual apology.

Thus have I sufficiently demonstrated that there exists but a half resemblance between the individual States of America, and the constitution of our departments. They are these

half

half resemblances, these partial imitations, in politics, which discover to us the perplexity of the legislator. We hereby perceive that his desires and fears have been at variance, and that, by a sort of accommodation with himself, he has mysteriously copied the outlines of such governments as he dared not take in all points for his model. Their spirit and unity are of consequence lost, and after much labour and study he has produced but an irregular and counterfeit work, composed also of so many shreds, that it resembles a book of patterns, rather than a well-wrought tissue. And it is for this reason, perhaps, that the French constitution, monarchical in its title, republican in its forms, despotic in its means of execution, confused also in its principles, variable in its march, uncertain in its end, presents to our view an imperfect medley of every political idea and institution.

CHAPTER XI.

Moral effect of the French Constitution.

THE science of political legislation is almost too profound for the human understanding ; and yet the study of moral man is a still more intricate labyrinth. We conceive it to be easy, because the observer and the object of his attention, the spectator and the spectacle, seem to touch and to be incorporated ; but it depends on laws of vision of which few of us possess the secret. The paths are so numerous that lead to happiness, they are intermixed by so many others of a contrary termination, that, amidst such a complication, the most attentive philosopher can with difficulty fix his judgment.

How

How then expect to discover the moral effect of a civil and political constitution, if we have not long meditated on the nature of man, if we are ignorant of the cravings of his soul and the secret propensities of his heart, if we do not resemble him with respect to his virtues and with respect to his vices ; in fine, if we have lived in perpetual and uninterrupted ease, undisturbed by cross accidents and undisturbed by reflection ?

Meanwhile if a knowledge of man be essentially necessary to the legislator, we may be led to infer, that a political system, all the parts of which should be perfectly adjusted and disposed, could never be the work of a numerous assembly : for the refined ideas and subtle observations which constitute the science of the human heart, can never be put into common property ; they are essences too thin to support the shock of debate, or to be rendered palpable to the generality of mankind. Vulgar and common place understand-

ing in all great assemblies brings down the tone of reasoning to the extent of its comprehension, just as deaf men give the tone of speaking in all companies where it is determined that they shall hear. Let us not then be surprised if the chief leaders of the national assembly, have brought forward but two perfectly distinct and emphatic principles, liberty and equality. They were perhaps forced to this proceeding, in order to hold under the same yoke a great diversity of characters and dispositions. But the national assembly is not the less reprehensible for having submitted itself to such laws, is not the less reprehensible for having thus narrowed our interests, to the exclusion of all the other desires of our hearts. The study of our different sentiments might have occasioned embarrassment, it has circumscribed them by a fiction; the study of the various elements that make up human happiness might have introduced perplexity and required arrangement, it has reduced them by

an arbitrary supposition, and acknowledging but two of these elements, has counted the rest for nothing. Thus all that constitutes this miracle of man, all that is necessary for him in a thousand ways, either it could not see or would not confess. One would suppose, that, in imitation of the iron bed of Procrustes, it wished, by a similar invention, to proportion to its narrow system our moral nature, and to retrench from us all that we were by our habits, our characters, the diversified qualities of our minds, our imaginations, our hopes, our rooted ideas of honour and glory, and particularly by our principles of education, our duties and our religious opinions. Liberty and equality would thus constitute our whole fortune, and by a singular contrivance our destiny be made to depend upon the bare titles of a philosophical analysis.

It is curious to remark the limited circle that has been drawn round our wishes and our wants; and it may serve to shew us how

short-sighted are our legislators, as well as how slender are our moral domains. Let us restore to these domains their rightful extent, and considering man on a more comprehensive scale, than our legislators have done, let us examine, in this point of view, the utility of their work, and the wisdom of their principles.

Man is happy, no doubt, in the enjoyment of civil and political liberty ; but as his faculties are limited, as he sojourns in a land sown promiscuously with good and evil, as he is not placed in an enchanted garden, where he may without effort, without labour, without the succour of others, gather, at his will, either nourishing fruits, or odoriferous flowers, liberty, to be a blessing, must be accompanied with all the virtues necessary to guide and assist him in the toilsome paths of life.

Penetrated with these thoughts, if I take a view of the discourses and decrees of our legislators, I perceive them continually occupied

in reminding men of their rights, but discovering no such zeal on the article of duties and obligations. But this is a proceeding directly the reverse of what is dictated by a moral system of immortal renown, and which, by its twofold character of wisdom and divinity has preserved for so many ages a memorable ascendancy over all the nations of Europe. The author of this admirable institution, had perceived that mankind being called to increase and multiply upon a globe, the productions of which are limited, the sacrifice of a portion of our desires was imposed upon us by one of the immutable laws of nature ; and that thus the most sublime philosophy would have for its object to teach us not only not to feel pain in this sacrifice, but to think it happiness, by associating with it the opinion of duty, and by all the excitements with which a beautiful morality knows how to surround it.

It is to this idea of duty that a perpetual homage ought to be paid ; and when it is treated

treated with contempt, when the attention of men are excited only to their rights, they are fed with illusions, and illusions of no trivial danger ; for the multitude once forced out of its lines, soon meets, in its random and inconsiderate march, with the barriers by which our happiness upon earth is every where encompassed.

We deceive ourselves then, when we consider duties as only useful to those who have rights. This proposition can at least never be made applicable to social organization, taken in all its extent ; for it will readily be perceived that duties, and the morality which prescribes them, serve as consolations to a great number of men, by aiding them to live contentedly within the sphere which lot has assigned them. But it is easy to weaken their faith in these truths ; and when the legislator himself refuses to acknowledge them, when his political system tends to favour and support illusions, it is

to the empire of falsehood that mankind are subjected.

Meanwhile it is not the happiness of men only that is essentially injured, by telling them so much of their rights, and so little of their duties, the respect entertained for justice is also violated by this proceeding : for when legislators disseminate a general spirit of pretension among those who possess more strength than knowledge, the boundaries which separate right from wrong are easily overlooked ; and these boundaries once passed by some, will shortly be so by others, from the mere force of example, which is necessarily great in a populous nation. Justice also is contaminated in its principle, when it is not observed with a common accord ; for it has for its basis a general compact ; and it is by favour of such compact that each thinks to find, in the universal order, the compensation for his individual sacrifices.

It

It is the work of time and the task of ages to establish the different barriers, destined to restrain the turbulent passions of mankind ; but their destruction may be the result, not only of a political constitution badly arranged, not only of a law imprudently decreed, but also of a false maxim, when considerable eclat is given to that maxim by the rulers of the nation ; and such has been the unfortunate effect of the first principle of the declaration of rights.

Justice ought to be the principal object of government ; but it becomes us to guard it with double care, and to secure it with an additional defence, when legislation has placed the civil and political authority in the hands of the people ; for thus placed, it will naturally ferment all the sentiments of jealousy and envy, of malice and resentment, which are inseparable from miscarriage ; and instead of serving as a consolation to those who have reason to complain of their lot, it will only

wound and irritate their souls. They expect that a new power should better their condition, and disappointed in their first hopes, they run after other illusions, till at length events and changes of scene become a necessary amusement. They reflect on the means of acquiring credit, and the advantages that may be derived from it, and distracted by the ever varying ideas that present themselves, they regard with vacancy and unconcern their former occupations. Then do we see those tranquil and domestic virtues, the companions of industry and a settled interest, either languish or totally disappear ; a confused ambition, a vague disquietude, usurp their place ; in point of happiness nobody gains, in point of morality every one is a loser, and the state derives from the countless multitude of authorities, but so many sources of resistance.

Another immoral effect of a constitution, that vests too much power in the hands of a people, is, that it weakens the majestic empire

pire of wisdom and reason, and aids the triumph of artifice and hypocrisy. The multitude can never be gained but by means proportioned to its mass and extent: if we would engage its suffrage, especially in a populous country, we must put on passions that we do not feel; we must aggravate their symptoms to their proper height, to produce the intended effect upon the most distant spectators; in fine, we must imitate the players in the vast theatres of Rome, who elevated themselves on buskins and were dressed so as to produce a gigantic appearance.

The national assembly has not been insensible of this necessity, and trembling, as it soon did, before an authority of its own creation, it has had recourse, in order to inveigle and pacify its new master, to factitious sentiments, gaudy measures, and formal discourses. It has puffed itself, as it were, into size; and individuals, borrowing its spirit, have quitted the language of nature and the expressions of truth;

truth ; every one has chosen his part and selected his mask, and so effectual was the ~~dis~~-guise that it was no longer possible to recognize our most intimate acquaintance. In the courts of princes, men whisper their flattery and are supple and dissembling as it were by stealth ; in the midst of a democracy they play these tricks to the sound of a trumpet, and that is all the difference.

Alas ! that noble simplicity, the characteristic feature of elevated souls, is lost, I fear, for ever. Men are drawn out of themselves with too great violence, and the equilibrium necessary to sustain the truth and modesty of virtue is totally destroyed. All this is the fruit of a constitution, which, over-turning the gradations of authority, and subjecting government to popular caprice, the reflections of the wise to the impetuosity of the multitude, has confounded the powers it proposed to separate.

How many other virtues, how many other
ornaments

ornaments of human nature have in like manner been sacrificed to this new political order ! I lament particularly those sentiments of generosity, which seemed to be the inheritance of the French nation, sentiments that afforded a sanctuary to the oppressed, and made misfortune an object of worship. But was it possible to preserve them, while force was perpetually the God of our idolatry, and while, the better to disguise to ourselves the baseness of our submission, we excused the persecutors and criminated their victims ; while we applauded the revenge we could not hinder, and the conflagrations we could not extinguish ; while we put on the colours of the tyrant, in order that we might leave it in doubt whether he had not put on ours ? Shameful compound of weakness and servility to which the mind has been debased ! When, under the tranquil protection of a well ordered government, and a constitution better understood, all its dignity and independence might have

have been preserved. We are told of liberty, and the noblest part of man is put in slavery, that which allies him to the divinity, that which renders him compassionate and generous, and gives him to taste the sweetest enjoyments of which, on earth, his nature is capable. Go, with your popular adulations, prostrate yourselves before those who, ere long, will disdain your abject caresses ; go submit yourselves blindly to the fantastic will of the multitude. Tell us if its yoke be easy and its empire light ; tell us particularly if you have been free, in giving it a government by which it is not to be governed ; if you have been free, in extinguishing, for its pleasure, the signals which wisdom and science had lighted up ; if you have been free, in so often renouncing your inward convictions, and in forming the rash project of subjecting the present generations, and generations yet unborn, to laws dictated by the most transient caprices and the passions of the moment.

Be

Be it farther observed, that this injudicious distribution of powers, suffices to subvert the national manners ; for when we give to the people a sentiment of their strength, without being able to communicate to them, at the same time, the knowledge that would dispose them to forbearance, the sentiment easily degenerates into ferocity. No period of history affords an example of twenty-six millions of men, united into one republic, so that no part of this immense population was placed beyond the sphere of the political movement. Rome herself, at the late period when the nations of Italy were admitted to the right of citizens, never presented any such thing ; since in Rome the mechanical professions were never exercised by free citizens. The degree of political influence then, conferred on the people, in such a country as France, is a true phenomenon in the annals of the world. While every nation however joins in reproaching this people, for the excesses and barbarities of which

it

it has been guilty, since the revolution, I would ask men of reflection, with a view of extenuating its faults, what would be the fate of other societies of very considerable population, if, by the establishment of a similar imprudent constitution, the authority of reason and the credit of government were suddenly to be weakened ; if the imagination of the multitude were to be inflamed by philosophical maxims of equality and the acquisition of every species of power, and if we were thus to rouse it to a sense of its physical vigour, without diminishing its wants or improving its education. Under these circumstances men would generally resemble each other. Great political changes are only attended with additional danger when they are introduced in the midst of a nation incapable of a gradual progress and of balancing by its sagacity the errors of the legislator.

It is a truth that can scarcely be too often repeated. When, in a country infinitely populous,

populous, we are unable, like the governments of antiquity, to place out of the social order all the industrious class of the people ; when we are unable to exonerate them from the necessity of owing their subsistence to their labour ; when this very circumstance, inseparable from the laws of property, opposes an obstacle, not to be surmounted, to the general acquisition of knowledge ; and when, of consequence, ignorance and barbarity, from the want of education, must be the inevitable portion of the multitude, it is contrary to humanity, it is anti-philosophical to weaken, in every sense, the hands of government, and to strengthen almost to omnipotence those of the people. The people themselves would not wish for this ; they would stop, they would moderate their pretensions, were they competent judges of their own happiness. And we, who are better informed, but tired of the antiquated precepts of reason, and under the spell of false glory, we have preferred the honour

honour or eclat of an extravagant system, to that wisdom, which, while it equally insured liberty, would have maintained public order and all the virtues that follow in its train.

There was a shield which would still have guarded the manners of the French nation; those laws of civility and politeness, which were not written upon tables of marble or of brass, but which, by the mere agency of opinion, recalled men to the reality of those sentiments of which they were constrained to assume the appearance. But civility and politeness acquiring, like our other ideas, a sort of refinement from time, were become, in their perfection, the particular appanage of men of birth. Nothing more was necessary to render these qualities suspected; they were supposed to be allied, in some way or other, to gradations of rank, and they were quickly included in the general proscription exercised against every species of aristocracy. It was not perceived that they flowed from very different

principles ; it was not perceived that they owed their origin to ideas of equality ; it was not perceived that, invented to protect weakness against strength, they were the progeny of the most generous sentiments. Their first employment was to draw round age a magic circle that should protect it from the insults of youth, apt at the commencement of its reign to be imprudent. Their next use was to afford a safeguard to the weak and timid sex, whom the laws of nature had subjected to our imperious dominion. Lastly, these same sentiments were destined to support the power of imagination, and thereby to maintain the authority of the rulers of nations, against the force of number and the disorderly propensities of the multitude.

These laws then, of exterior deportment, bear the stamp of the truest wisdom ; but our superficial philosophy has regarded them as a code of slavery. Our legislators have been the first to break these pretended ties ;

and the contempt which they have affected for all forms, has communicated itself to their very principles. They have insensibly habituated themselves to a spirit of irreverence, which has caused them to overlook what was due to the first magistrate in a monarchical government, and has obliged them, in order to support their own dignity, to have recourse to frequent acts of power. They were desirous perhaps of proving to us, by their rude manners, their austere language, and their slovenly costume, that, in giving us laws, they had held no intercourse with the goddess Egeria, and were indebted for their genius to no inspiration. But they need not have feared the accusation; there was no circumstance that could have given rise to it.

While they thus attempted to apply to exterior forms their doctrine of equality, they have in reality erected the greatest and most disgusting of all supremacies. They thought to level every thing, and they have subjected,

with

with a rod of iron, the mild to the audacious, the discreet to the violent, the humane to the ferocious. In a word, while they have suppressed all ideas of decency, while they have filled up all the trenches that divided mankind, and endeavoured to introduce an intellectual parity, in order to amalgamate the manners of men, the most distinct from each other, the consequence I fear of this unnatural familiarity, will be nothing more than an additional facility for indulging the passions of malignity and hatred. Nature tells us through all her departments, that there can exist no harmony without shades and gradations. Society had no doubt deviated too far from this model, and rendered the disparity of rank calamitous and shocking : to avoid this extreme we are running into another still worse ; we are converting the moral world into a vast plain, where every man will cross and elbow his neighbour, and all the advantage will fall to the most rustic and robust.

None of our old opinions were wished to be retained ; and if, in the passion that has shown itself for novelty, the principles of morality have not been altered by express statute, they have at least undergone considerable transformation. Our innovators have regarded accusation as a subject of honour, calumny as proof of patriotic zeal, ingratitude to the living as the very extract of philosophy; they have treated compassion as weakness, clemency as an insult to the law, and the voice of conscience as jargon and cant. The desire of obtaining notice and the love of glory have saved from shipwreck the few virtues that could be swelled into gigantic size, as well as those which it was thought necessary to impose on others : thus they have talked of sacrifices demanded by the country, to all those who were deprived of their rights or their property, and held up Brutus as an example to the king, when, before his eyes, and regardless of his sufferings, they decreed the accusation

accusation of his two brothers. Frenchmen, who disdain your country ! Romans, risen from the grave, with the ashy paleness of death upon your cadaverous checks ! would it not, alas ! have been much better, if you had cultivated the qualities congenial to your nation, instead of perpetually endeavouring to metamorphose them ; if you had aimed at their exaltation or embellishment, by the happy influence of a moderate liberty, instead of giving them, by absolute independence, a character savage and severe ; if you had recollected that it is a vain attempt to leap over twenty centuries, and to transport, in a circle of one little year, a modern nation into the forum of ancient Rome, and that, in so rapid a course, all those who tried the experiment would infallibly perish in the attempt ? But supposing we were to succeed, how ridiculous a figure should we make, in the midst of republican serenity, with our luxury and corruption, our riches and poverty, the impiousness

periousness of the former, the impatience of the latter, and the empty parade and sophistry of both? Every people has virtues that are properly its own, virtues agreeable to its situation, appropriate to the period of history in which it is placed: other virtues than these it can neither obtain nor preserve; and it is the most impotent anachronism to wish to adopt a simple and primitive constitution to a nation whose manners and character are already fixed.

What a magnificent spectacle would not France have exhibited, if her inhabitants, already distinguished in Europe for genius, talents, industry, literature, sociability, courage and military ardour, had added to these predominant attributes, that vigour and stability of principle, which spring out of a free government; that general dissemination of knowledge, the necessary result of a people's participating in the institution of laws; that elevation of thought, that dignity of character,

formed

formed amidst great and interesting events ! To realize this picture we have only to join to the brilliant qualities of the French nation, all that is most excellent in the free character of the English ; and it is impossible for the imagination to go farther without being bewildered. This mixture of the social spirit, and the moral and political genius of two people, who had each, in different ways, arrived at celebrity and glory, would doubtless have constituted a beautiful association. Alas ! it was my delightful revery, it was my secret hope ; but I have seen the splendid vision escape, I have seen my fond expectation blasted. Our legislators have rejected a perfection, a felicity, to which we might reasonably have aspired ; they have thrown all sentiments and all principles into confusion ; they aimed at liberty that had no model, and they have produced a disorder that has no example ; they have constructed a system of government in which all is declamatory and

exaggerated, and they had no method of raising themselves to its level but that of turgidity and emphasis ; they have imported virtues from Sparta and from Rome ; they have canvassed and talked them all ; but not one of them could suit either the men or the situation. In fine, after having drawn up a philosophical constitution, which, as it outran all realities, set confutation at defiance, they have commanded the nature of things to conform to it, manners to obey, opinion to submit, and reason to surrender ; like other heresiarchs, they have distributed virtue and vice, merit and demerit, according to the opinion that was entertained of their doctrine ; and the Mahomets perpetually cried out, long before their Saïds had learned the lesson, *the constitution, prosperity to the constitution, nothing but the constitution.*

From hence they proceeded to extirpate, under the name of prejudices, all ideas that threatened to resist in any respect the universal innovation.

innovation. In the very first instance they laughed at honour, treated it as an old-wives tale, that could not flourish, nay that could not even exist in the neighbourhood of civic virtues. It would have been well to have tried these virtues, to have given them a fair and calm experiment, before they undertook to disarm and extinguish a sentiment, the delicacy of which has often supplied the defects of moral truth, the energy of which has produced the sublimest virtues ; a sentiment that so well accorded with the French character, and displayed itself in every page of their history. Virtue is not in the nature of a tontine stock, one does not gain by the extinction of its rivals : honour, brilliant and illustrious, honour, the parent of innumerable acts of heroism, deserved to be treated with a juster respect, and a republic, yet in the egg, had no right to employ against it the rigours of the ostracism.

We have not too many props to our moral system.



System. Honour is a necessary support to probity, modesty to chastity, politeness to benevolence ; and never has it before been attempted, under any government to bring into discredit the assistant virtues : but such is the blindness of our new political instructors, that they believe, in their hearts, the whole world is to be governed by liberty and equality.

In the mean time, among the various innovations of the day, the most fatal perhaps to our character, is the contempt that is affected for every idea of lenity and compassion. I have already shown that a numerous assembly, assuming to itself not only legislation, but the reins of government, would be under the necessity of resorting continually to punishments. It can employ none but absolute and general means, its mass not admitting of any flexible movement. In vain does it pretend to prevent the commission of moral evil: as legislator it can do something of this, but as administrator, its progress is always too slow and

and heavy, and it is capable only of severity, not of providence. Meanwhile the principal merit and duty of government is prevention ; is by wise precaution to supersede the necessity of punishment ; is to be just to human frailty, before it makes the hand of rigour felt.

Legislative bodies, even were they competent to the task, would conceive, the majesty of the law to be degraded by the employment of indirect means to captivate obedience : and this consideration alone is sufficient to prove that administration would be improperly placed in their hands. We have been persuaded, beside, by certain democratical writers, that harshness of manners is the characteristic of political liberty, and this harshness we have been careful to assume ; resembling in our eagerness to be republicans, M. Jourdain, who, desirous of becoming a gentleman, asked his tailor, how a man of quality ought to be dressed.

I am anxious to ascribe the new manners of

the French to a temporary wandering of the mind ; for when it is otherwise, when a hardness of character derives its source from the heart, the case is hopeless. This hardness of character is favoured by the constitution, which perpetually obliges us to pay our court to the people and to do homage to their omnipotence ; for unfortunate as is the condition of the mass of mankind, they always derive a secret gratification from the humiliation of others and the infliction of severities ; and this gratification is augmented in the present instance by the sentiment of their independence. It is the constitution which has produced at once the excesses we have witnessed and the indifference with which the report of those excesses has been heard. It is the constitution which gives double boldness to the daring, intimidates the weak, and seems to blend the sentiments of liberty with the most odious practices of tyranny. An enlightened nation, a nation of the eighteenth century,

century, cannot be conducted by decrees of accusation and the perpetual menace of punishment. It was necessary at least to prevent or to moderate the hatreds and aversions of mankind ; it was necessary, by a wise and gentle proceeding, to conciliate jarring interests. Social order is compounded of fixed ideas and accommodating ideas ; the first display themselves in theory, the second are unknown except by experiment ; but the lessons they teach are comprised in our system of proscriptions, or adopted as motives of accusation before the high court of vanity and pride.

Gentleness and suavity of manners, the inseparable companions of indulgence and lenity, have other affinities not less remarkable ; and composed of various ingredients, are more intimately connected than we are apt to imagine with forms of language. We owe to the most fine and delicate impressions a portion of our sentiments and even of our ideas. Often while the mind is occupied in reasoning, we are

are carried away captive by the imagination. Placed at the exterior of our spiritual nature, and having the first communication with our senses, it takes us so at unawares, it exercises over us so rapid an authority, that scarcely have we time to defend ourselves. Thus, when the language of a nation, when its habitual expressions become stern and austere, the character of the people will partake of the same savage nature ; and as the lyre of Orpheus animated the rocks and rendered them sensible, the language of the times, by a contrary effect, hardens our hearts and petrifies our feelings. Any one would suppose whole centuries had elapsed between the polished age of France, and the present period ; and I find a considerable analogy in the fashionable eloquence to the fashionable politics. It has neither measure nor harmony ; it sets no bounds to its liberty ; it pays no attention to decorum ; it aims at energy in the wrong place ; its enthusiasm is artificial ; its boldness

the

the dictate of the head and not of the heart ; it is agitated without action ; emphatical without dignity ; didactic without perspicuity ; monotonous without unity ; it is extravagant in all its parts, and lifeless and unmeaning as a whole.

I quit this comparison to make another observation upon our new-fangled language, an observation which may be thought to belong only to grammarians, but which really indicates a modification of our moral character. Every day we coin new verbs, altogether barbarous, and substitute them in the stead of substantives. Thus we say, *influencer*, *utiliser*, *exceptionner*, *préconiser*, *fanatiser*, *patriotiser*, *pétitioner*, *vétater*, *harmonier*, &c. This remark may be thought refined ; but it indicates that we no longer feel the necessity of a sweet and measured diction ; for it is not by verbs, whose sense is always positive, but by the union of adjectives to substantives, that ideas acquire comparison, gradation and progress.

I shall

I shall be asked how the new French constitution can, not *influence* our language, but have upon it an *insensible influence*. I answer that exaggerated sentiments and a certain tone of speaking have a very intimate connection ; that this tone of speaking is connected with the desire of captivating popular favour ; that this tone of speaking is connected with the multiplication of our ephemeron scribblers and journalists ; that this tone of speaking is connected with the growth of oratorical vanity that infects all sorts of men ; in fine, that this tone of speaking has a very intimate reference to the real situation of the people.

Taste is no longer necessary, when deference of every sort is banished, when all distinctions are trampled upon, all ideas and principles confounded ; when there is but one thought existing through a whole country, and when, by an absurd enthusiasm, that thought is supposed to have universal application and all-sufficiency.

Taste

Taste is no longer necessary, when the people are become the sole master, and when the grossest incense does not fail to gratify this new made god.

Taste is no longer necessary, when the empire of opinion is under the guidance of impassioned writers, and corrupt instructors, of those new shepherds who desire not to lead their flocks to the flowery vallies and the verdant meadows, but to precipitate them from torrents and precipices, imbuing them with the spirit of demons and hurrying them along with incantations and enchantments.

In fine, taste is no longer necessary, and every day must prevent it more, when every one is smitten with the desire of writing and speaking, and in the midst of this universal rivalship each endeavours to surpass his neighbour in a rugged force of expression and a savage strikingness of imagery.

I fear having dwelled too long upon a subject that will appear perhaps insignificant,

the situation in which I have introduced it. But a secret sentiment has impelled me. I turned a melancholy eye to those brilliant periods when the divine eloquence of Racine and Fenelon, when the celebrity of so many other writers, worthy of being their rivals, gave splendor to their country, and stamped with the seal of their genius the glory of the French name. I reverted to those enviable days, when the most harmonious of all languages served to convey the purest sentiments and most sublime ideas to the soul. A multitude of unexampled productions, the triumph of the human mind, had rendered it the language of all Europe. What will it become when it shall have passed the forges of our modern Cyclops and been shaped anew on their terrible anvils ! Its sole employment will be to express the chaos and combat of all the elements.

The moral subject which I have treated in this chapter, enlarges upon me as I proceed,

and I might make a great work of it by itself: but I must conclude, and must therefore dismiss a variety of observations that could not fail to be interesting, if fertility of reflection could ever be interesting, when men have no desire so great as to get forward in their journey. I cannot however avoid adding one reflection more on the immoral effect of the French constitution. Hitherto it has been obliged to be supported by rigorous means, and by committees of research and committees of safety. A mysterious inquisition has been the consequence; encouragement has been given to informers and spies, letters have been intercepted, and other meannesses practised of a similar nature, all contrary to the laws and to the principles of morality. This conduct has been justified by the supposition, that party spirit rendered such precautions necessary. But is this party spirit likely to cease, when a considerable part of the nation are dissatisfied with the constitution? And with

what feelings are we to regard the dreadful necessity of confiding the maintenance of a political system to a spirit of inquisition and intrigue? Every thing appears to be lawful, when the legislative body itself has deliberate recourse to dishonesty. The consequences of such an example cannot fail to be infinite.

The purest atmosphere should ever encompass the sanctuary of the laws. When we direct towards it our regards, we ought to feel ourselves attracted by an unknown influence, by a sort of moral beauty, to which our opinions should submit without restraint. When we approach this sanctuary, we ought to experience as it were a new heart, and to become more deeply impressed with that love of virtue, without which society can never be a blessing. What gratitude would not have been due to the legislators of a great people, if, while employing their thoughts on those political interests which divide nations, they had shown themselves the preceptors of that morality

morality which unites them ; if instead of making themselves the servants of the multitude, they had become its guides and instructors ; if instead of seconding its tyrannical will, they had assembled with fortitude round the standard of reason and justice ; if, instead of perpetually reminding themselves that they must assume an imposing attitude, they had placed their greatness in their simplicity, and if instead of running themselves out of breath to catch the frolic fame, they had waited till she came within their reach or appointed her a meeting in the temple of Truth.

CHAPTER XII.

' CONTINUATION OF THE SAME SUBJECT.

THERE is a moral effect of the French constitution that has been constantly present to my thoughts and excited the most heartfelt sensation, but the discussion of which I have purposely avoided blending with the miscellaneous reflections of the preceding chapter. The subject I was there handling, demanded, on account of the variety of its relations, a variable style ; but there is only one style, and that of the most respectful sort, that can accord with the grave sentiments and important considerations which I am now about to suggest.

One might have supposed that our legislators, while they weakened the authority of government and sapped all the foundations of public order, would have taken the greater

care

care to preserve the ascendancy of religious opinions, an ascendancy sufficient of itself to maintain the social system in harmony. But religion had long found a rival and an enemy in that imperious philosophy, ambitious of having all the honours to itself of instructing and governing us, and which still retains the same pride amidst the ruins which surround us, amidst those devastations which cannot but remind it of the exploits of its blind sectaries and the glorious feats of its numerous militia. Every day, by the active interposition of these missionaries, some link of the moral chain is broken, and we are reduced to the necessity of waiting patiently the operation of an universal system, which is once more to begin afresh the education of the human species.

The national assembly has observed the same conduct relative to religion, which it observed towards the executive power and the royal dignity. It declared the executive power to vest in the chief magistrate, but it neglected to grant to

the depositary of that power the requisite means for enforcing obedience. It decreed the French government to be monarchical, and it stripped royalty of all the attributes that constitutes its essence and utility. In like manner public worship was considered as in the first rank of national functions, but instead of cultivating in the minds of the people a becoming respect for this worship and the sublime ideas that are connected with it, it has tolerated a contempt both of religion and morality ; it has countenanced and applauded speeches in which this contempt was unblushingly displayed ; it has imagined that, after having composed for France a philosophical government, it had entered into league with every daring spirit, and was bound to treat with disdain all common opinions *. In fine, the

* In a French newspaper, that has invariably given a favourable account of the debates of the national assembly, I have read the following passage. "It is impossible," observed M***, "for a society to exist without an immutable and eternal system of morality

national assembly, diverting its attention from the intimate union that subsists between respect for religion and deference to its ministers, has introduced an intestine war into the church ; it has set conscience and interest at variance ; and loading with the most opprobrious epithets such ecclesiastics as were wicked enough to be governed by their inward convictions, has rendered them the objects of popular outrage. Morality and decency, however, the boundaries established by religion, once broken down, the distance is short to the last stage of disorder ; and presently will be brought to the test that catechism, purely political, to which, on the perilous faith of certain speculative characters, we are anxious to confide the instruction of the human race. Such is the substitute we are to receive for religion, such the last blas-

“ lity (loud and repeated bursts of laughter).” *Monitor*, 15 November, 1751.—We have here an abstract of the spirit of the times. I have selected the passage from a thousand others, which all Europe has remarked.

fing which our present sages have in reserve for us. Philosophers of yesterday, children of presumption, we shall see what will be the effect of your reasonings on the mass of the people ; we shall see how you will contrive, in the midst of its unfortunate condition, to reconcile its interest with the respect due to justice ; we shall see by what means it will be made to understand your incomprehensible jargon ; we shall see how you will create leisure for those to con your frigid lessons, who, from the earliest acquisition of physical strength, are obliged to have recourse to labour for their subsistence. But you tell us, there will be no such class of citizens ; indigence is the work of despotism ; and under the reign of liberty it will cease to exist. Deceivers as you are, to talk in this manner, when you well know that indigence depends on other circumstances, circumstances which in the order of society are not to be surmounted. Or if you are uninformed of this fact, which may

possible

possible be the case, descend from the chair of instruction, quit that lofty situation in which your ignorance forbids you to remain. I have frequently explained these laws of social order, but it may be well to take a retrospect of the subject, since complex principles, and such in particular as are not to be expressed by simple terms, have need of long cultivation, in order to be deeply impressed on the memory and rooted in the mind. And yet, would one believe it, it is by such abstract ideas as these, which the teachers themselves are unable to retain, that the people are to be educated and their morals to be formed.

Let me then repeat, since it be necessary, what I have already said. Indigence, as a feature of the social system, derives from the laws of property, those laws which are essential to public order, which gave birth to society itself, and which are the fruitful occasions of calling into act every species of industry. Yet whatever may be the advantages
of

of property, it is from hence, in the midst of the fluctuation of this species of benefit, that we are to deduce the existence of two distinct classes of mankind; the one masters of the fruits of the earth, the other whose sole office is to second by its labour the annual renovation of those fruits, or to exercise its ingenuity in the generation of objects of luxury, to be exchanged for the superfluity of provisions of which the rich are possessed. This sort of barter and exchange is that to which the social machine is indebted for its motions, while the laws of justice prevent these motions from degenerating into quarrels, confusion and war.

One of the inevitable consequences of this relation between the two classes of mankind is, that in the midst of this unlimited commerce of labour and subsistence, of necessaries and pleasures, there is a perpetual struggle between the parties; but as they are of unequal force, the one is invariably obliged to submit to conditions imposed by the other.

The

The conveniences which the land owners derive from the industry of their unfortunate neighbours, appear to them of no less value than the soil that is their undisputed right ; but from the urgency of wants of the poor, the rich are able to fix the price of labour, and provided that price be adequate to the daily demands of a frugal subsistence, there is nothing to be feared in the way of regular and formal insurrection.

It is not then the despotism of government, it is the operation of property, that reduces the lot of the mass of mankind to mere necessities. This law is almost equally valid under every different kind of political authority. Every where the wages of those workmen, whose skill does not require any previous education, are paid pretty nearly at the same rate. The little varieties to which this rule is exposed, only serve to confirm the rule ; since these varieties directly depend upon the commercial value of productions, or upon the number

number of articles ranked among necessities, which perpetually fluctuate according to habits and climates. Happily for us the empire of property does not constitute the measure of happiness. Nature, our wise and prudent director has placed under the limits of no authority her most precious benefits, and to this species of wealth the poor are not less likely to succeed than the rich. Add to this that both enjoy the advantages of order and security, the one in connection with an honest industry, the other in the midst of all the anxieties that are generated by want of occupation.

Meanwhile what is the result of these principles inherent in the very nature of society? what is the result of the rights of property, of those rights upon which the smallest infringement cannot be made, without throwing the state into confusion, of those rights which it would be necessary to establish anew the very instant after their destruction had taken place?

place? This great truth is the inevitable result, that it is out of the power of legislators, and more especially legislators of an extensive and populous kingdom, to contrive for the multitude sufficient leisure to acquire regular knowledge; and that therefore all instructions which are purely political, all instructions founded on abstract ideas, will eternally fail in attaching a whole people to the duties of morality. Nor can there be a stronger proof of blindness than to entertain such a hope. Let us then preserve with sacred care the inestimable advantage of religious opinions, and consider them as the strongest tie of social order. They are encompassed by whatever can strike the imagination; and, as simple in their influence on the human heart, as infinite in their alliances with the understanding, they afford with our infancy and our maturity, with our weakness and our strength, with our habitual ideas and our most elevated reflections. Political and civil

civil laws reach us only in the detached portions of our lives ; and especially where solitude commences, when the first shades of night cover our actions from human view, their empire is at an end. Thus circumstanced, the man who is uninfluenced by religious morality has no other motive than interest, no other law than personal gratification : but religion is a compound of more subtle particles, and cannot thus be stopped in its influence. Religion is never more powerful never more impressive, than when it rushes upon our mind in the midst of our private meditations and our most inaccessible retreats. What can be more arrogant then, in the legislators of a state, than to suppose that the contrivances of their genius shall be omnipotent, that order and happiness can flow from the single efforts of their wisdom ! No ; there is no human science that will ever equal in sublime energy one single moral idea, appropriated to that being who has been fearfully and wonder-

wonderfully made, to that being who is compounded of reason, imagination, foreboding and hope, and all that is most wonderful in the wonders of the universe. Of all moral ideas, however, that is unquestionably the most magnificent and sublime which religion implants in the human breast, which takes possession of us from the first dawn of reason and follows us through every stage of existence as our comforter and our guide. Great indeed is this idea beyond the imagination to conceive ; an idea the impression of which is kept alive and strengthened by the contemplation of the universe, an idea that inspires us in prosperity with the sweetest emotion, and calms us in adversity by affording us a glimpse of the sunshine of a fine day, through the thick shades of death ; an idea equally auspicious to social order and the happiness of man ; equally applicable to our external relations and our intuitive sentiments ; restraining us in the ebullition of our passions, and relieving us in

the languors of melancholy; rendering us severe towards ourselves, and indulgent towards others; exact in the performance of our duties, and moderate in the exercise of our rights; equally accommodated to motion and to rest, to the bustle of the world and the stillness of solitude, to the charms of hope and the seriousness of retrospect. This universal application of one idea and of one sentiment to all our concerns, is the most remarkable feature of the religious morality. How many other features, not less important, would it be my business to describe, if I had not already written upon this majestic subject, at a time when the dangerous progress of a presumptuous philosophy had excited my alarms. Alas! who could have supposed that the period would arrive when legislators themselves would manifest an indifference for opinions essential to the maintenance of social harmony? Who could have supposed that the period would arrive when, amidst our sins of ingratitude,

titude, forgetfulness of the political blessings of religion would occupy the first rank? Who could have supposed that the period would arrive when the rulers of a great nation would debate, whether they ought not to abandon public worship to the caprices of liberty, and whether the era of the most intolerable license might not be made choice of to deprive morality of its firmest support? Ye worshippers of new opinions, ye illustrious champions of philosophy, where will you stop? and what futurity are you preparing for us, as a sequel to the excesses of which at present we are witnesses? You would prove by abstract reasonings the intimate connection of private with public interest; and yet the former was never so ardently pursued, the latter was never so differently interpreted. What will become of us with no other safeguard than your instructions? Observe the confusion that prevails, look at the tumult and chaos which the licentious overthrow of political principles has oc-

casioned, and judge whether religion was ever more necessary! At length be pacified, and leave us in possession of something appertaining to the past. You will be sufficiently celebrated for what you have already done, if the genius of destruction open the gate to the Temple of Memory. Do not then sacrifice our only remaining blessing to your renown; but be contented with the conspicuous situation which you think you have secured to yourselves.

Alas ! had these legislators been less covetous of glory, or had they made a better choice of it, a tranquil and prosperous day would now shed on us its benign influence, and our tears would have been less abundant !

“ Heureux si j’avois pu, pour prix de mes travaux,
 “ En chrétiens vertueux changez tous ces Héros ;
 “ Mais, qui peut arrêter l’abus de la victoire ?
 “ Leur cruautés, mon fils, ont obscurci leur gloire ;
 “ Et j’ai pleuré souvent sur ces tristes vainqueurs,
 “ Que le ciel fit si grands, sans les rendre meilleurs.”

VOLTAIRE.

Mean-

Meanwhile I am still not without hope that religious opinions, so indispensable and so consolatory, will escape the destructive pruning knife ; will retain their tendency in the midst of those ruins of all kinds that are heaped together, notwithstanding every effort to the contrary ; and that the same power which bestowed, will protect and preserve them. Presumption itself, while it misleads us, will inspire us with salutary lessons. We shall see that patriotism, the motive from which every thing is at present expected, is not strong enough to bind together so many jarring interests. I speak of patriotism in all its purity, such as it exists in the heart of a great number of French citizens : for to you who pronounce this name with enthusiasm, that, by generalising your sentiments, you may dispense yourselves from the practice of every private virtue ; to you who are suddenly smitten with the love of your country, after having never loved any thing through the whole course of

your lives ; to you who are now so unalterably united to the good or ill fortune of twenty-six millions of men, after having never thought of an interest beyond your own,—to you I have nothing to say. It is not easy to believe that your affections and your sentiments are all centred in your country, merely because you were born within the circumference of this vast kingdom, at the same time that, surrounded with the rays of that great luminary the sun, admitted to behold the wonders of nature, and graciously allowed to partake of her bounties, you scarcely ever think of that country of the true sage, of which the vaults of heaven form the circumference. Can we refrain from asking you by what singular perverseness you feel yourselves thus pervaded with a respect for a boundary of convention, an ideal line, while your philosophy teaches you to overturn the barriers of nature, and to convert the adorable contrivances of its great author into the frigid productions of an eternal
and

and uniform vegetation? Your patriotism is a banner which you ostentatiously display in order to draw around you all those whom you are desirous of governing; a signal by which to move at your will the passions of the multitude. It is by means of this false patriotism that you can hate and persecute, with frigid composure, those who differ from you in opinion. It is by means of this patriotism that you can transform the savageness of your tempers and your rude and unaccommodating humours into civic virtues. It is by means of this patriotism that you can vindicate accusations the most chimerical, or defend principles the most unjust and actions the most atrocious. It is by means of this patriotism that you can overlook the insults offered to those pious nuns who consume their lives in charitable sacrifices, and can hold out a friendly hand to the murderers of Avignon, chanting their canticles on the borders of the abyss into which they had thrown, piecemeal,

the palpitating limbs of the most innocent victims. Thus it is by one and the same principle, one and the same sentiment, that you convert into crimes against the state, the most trivial offences, and look with an approving eye upon the most inhuman villainies. In fine, it is by means of this false patriotism that you can be every thing and nothing. It resembles the creed of Spinoza and reminds us of the God of that celebrated atheist, which was a representation of all existing things, without existing any where itself ; which was at once both the heaven and the earth, the angel and the serpent, the inanimate tree and the furious tyger ; and which, possessing neither centre, nor perfection, nor determined attributes, appeared an ignis fatuus of the imagination, the illusion of a bewildered mind, a mind ambitious of preserving a word, the sense of which was destroyed by all the explanations and definitions that were attempted to be given of it.

CHAP,

C H A P T E R M I

Why has the National Assembly been unable to form a good Constitution?

THERE are so many correspondences between men and their works, so many affinities between the circumstances in which they are placed and the result of their actions, that in studying the legislator after having examined his system, our attention is still employed upon the same object. This truth applies with still greater force to the founders of a new social order ; and it is not immethodical to consider what were their means after having investigated their labours. A political constitution is a kind of moral abyss or region, if I may so express myself, into which so few minds are able to penetrate, that we ought to judge

judge of the wisdom of this constitution, as we appreciate the recitals of distant travellers, by examining at once both the true and the probable.

I shall first direct my attention to one of the principal causes of the faults committed by the national assembly : I mean the passion it displayed, at so early a period, for commendation and applause. This passion, when it exists in all its vigour, must necessarily lead astray the legislators of a state, since it will give them a distaste for wisdom the fruits of which are of slow growth ; and by inspiring them with an ambition to please, will render them the slaves of popular opinions, opinions, which, in contradistinction to all others, vary every day, because they are at the mercy of every prejudice and every impulse. In fine, the love of applause, when it acquires a complete ascendancy over a numerous assembly, presents to every eye a fortune that has no limits, a fortune divisible into a thousand parts, and the conquest

conquest of which being jealously disputed by each individual, a petty spirit of rivalship takes place of that unity of interest, which is alone capable of giving firmness to the steps of a legislator, and directing him in the way of true glory.

Meanwhile, to what lengths have not the effects of this passion been extended ! But in France, vanity is an indigenous plant, and every where finds a favourable soil. Envy and jealousy also spring up by its side, and becoming inseparable, they unite in diffusing their insalubrious vapours.

Could one have supposed it possible ! The first painful sensation which the national assembly experienced, was occasioned by the idea that the monarch had assumed too large a share in the restoration of public happiness. It was he indeed, who, when in the full enjoyment of liberty, and by a generous sacrifice at least of his rights, if not of his power, had made a solemn declaration that in future all

laws

laws should be the work of the national representatives ; that none should be valid which had not their approbation ; no burthen be imposed without their consent. It was he who submitted also to their determination the measure and distribution of public expences, without excepting from this general rule, even the revenues destined to the support of the royal dignity. It was he who recommended to them to consider by what means the liberty of the press could best be reconciled with public order, and personal liberty most effectually secured against every attempt of despotism. In short, it was he, the august depositary of a power consecrated by the authority of ages and the prosperity of France, who voluntarily resigned into the hands of the representatives of the people, the glorious task of hereafter defending the happiness of the nation against the errors of government, and of adding to the lustre of the French name all the real enjoyments which arise from the

the wisdom of laws and from political liberty. And it was not merely for a moment, it was not during his own reign only, that he invited the nation to the exercise of the most precious rights of sovereignty ; he was desirous that the throne should be for ever surrounded by the faithful interpreters of the wants of the people, and that, for the common good, an indissoluble alliance should be formed between all wills and all authorities. At the view of so noble a design, at the aspect of so generous a concession on the part of the king, the national assembly, one would have supposed, touched by such an assemblage of virtues and benefits, would have celebrated them in strains of rapture ; and prosecuting their spirit, would have achieved, with tranquillity, with undoubting confidence, and under the mild auspices of reason, the work of public happiness and the immortal monument of Gallic regeneration. Far however, from yielding to so natural a sentiment, they were impatient to bury in a general

general system of subversion every trace of the first origin of French liberty; and at this very moment every art is practised, every expedient employed to efface the remembrance of it.

A conduct so very unexpected excited in his majesty the most painful sensations. When he came forward thus disinterestedly, he felt himself discouraged and repelled; and he frequently found no alternative left him but to enjoy his beneficent intentions in the retirement of his thoughts and the solitude of his conscience. It soon became manifest that the participation of the king in the great work of national reform, the concurrence of his ministers and the co-operation of government, were so many thorns to an assembly, aiming above all things at celebrity, and intolerant as to every reputation but its own. Particularly it was remarked that those of its chiefs, novices to glory, and as yet having no experience of its value, were on that account only the more eager to acquire this new coin, this

brilliant and sonorous money, which they flattered themselves they could convert into every species of enjoyment. The public perceived this ardent rivalry, and were careful to feed a disposition, which, without any effort on their part, would bring them into power, and exalt them above the representatives of the nation. An action and reaction were then established between the candidates for glory and those who conceived themselves to be the dispensers of it ; and in observing the anxiety of certain orators to captivate the tribunes, we might have fancied ourselves in a levee room among courtiers, rather than in a council of lawgivers.

The flatterers of the people are made of the same stuff as the flatterers of kings ; and the people, in one respect, are a master not difficult to serve, since you are not at the trouble, as in the case of certain despots, not merely of humbly recommending yourself to their favour, but of carefully divining what it is

is that will please them. There was no doubt that they would be pleased with the humiliation of the powerful; and instead of opposing limits to this sentiment, instead of tempering it with moderation and reason, the assembly were zealous in encouraging it and subscribed unreluctantly to all its exaggerations. In this system of complaisance and carelessness, they offered daily, as a holocaust, the great and their greatness, the rich and their riches, property and its possessors. But it was particularly by the sacrifice of ministers and of authority that they signalized their courtesy. The opportunity was singularly favourable; for while they suffered it to be believed, that the supreme power was yet living, and carefully concealed the certificate of its death, they could appear courageous at small expence, and for the first time give to flattery the air of fortitude. In fine, by one step after another, always paying court to the opinion of the moment, and endeavouring to enhance

bance their stock of popularity, they made a jest of all those ideas to which royalty owed its veneration ; they urged its fall ; they laughed at its splendor ; and pulling down, one after another, the achievements that graced its walls, threw them into the common high-way, to make sport for the un-thinking multitude.

It must however be observed, in justice to the men of sense by whom the assembly was directed, that many of them, in the midst of all the applauses they received, saw clearly enough the extreme to which they were hurried ; but they feared to be outdone by their neighbours : every stranger guest in the court of the people bethought himself, as the most obvious means of being remarked, of bidding a farther advance upon the auction of popularity, or at least of adding some exaggeration to the last definition of liberty. From hence there resulted a series of strutting sentiments, in the midst of which all truth was

confounded, and which rendered in a manner the researches of reason fruitless.

Now, I ask, how from such a medley of real and of speculative sentiments, of serious and of counterfeit ideas, how, from this chaos of jealousy, of rivalship and of vanity, it was possible for a system of government, with all its proportions, and in all its majesty, to arise?

Meanwhile among these different vanities, of which I have given the outlines and exposed the danger, there was one of more exalted stature, and which, bearing the name of metaphysics, has contributed more than any other to perplexity and confusion. Those who had talent or taste for this sort of science, and who grieved for the speculative state in which it was retained, felt a secret pleasure at the arrival of the moment when it might be brought into practical use. No sooner did they perceive the first blow that was given to the cornerstone of the edifice, no sooner did they hear the crackings of the joists and the rafters, than

they were seen to descend from their closets, with their compasses, their rules and their squares, with their crayons and their drawing paper, blessing, in their hearts, the chaos which afforded them an opportunity of sketching the plan of a new world. Immediately all those who understood the art and felt the vocation to destroy, but who hesitated for the consequences, eagerly ranged themselves under the direction of these architects, who promised, upon the word of men of genius, to rebuild and reconstruct all that was overthrown. These two sets of men were united by a mutual interest : against the former we have nothing to say, they have fulfilled their mission ; the others only have yet to give an account of their stewardship.

Metaphysicians, who draw their figures in the sand, are easily misled by their own imagination. Nothing is so captivating as the liberty of which they hold out to us the picture ; but they frequently experience the

lot of the unfortunate Ixion ; they embrace the cloud instead of the goddess, and they are obliged, with him, to turn away their eyes from the monstrous fruit of their amours.

A metaphysical spirit, and a spirit of vanity, are not however the only ones, whose pernicious effects we have experienced ; there is a third frequently united to these two, and which has proved equally inauspicious to the formation of a good constitution : I allude to the spirit of exaggeration. Nothing more difficult than to stop oneself, when we are smitten with the love of admiration ; nor does any thing hint to us the necessity of doing so, when we have established the field of our experiments in the land of abstractions. The assembly still farther put reality at a distance, as soon as they created an indefinite sum of paper money : and I call upon the reader to remark here, among the many ill consequences of this measure, one more fatal than the rest ; I mean the tendency it has displayed, by rendering admini-

nistration too easy, to convert government into a mere jeu d'esprit, and to make France like a chess-board, a scene in which, without obstacle, you can move the men wherever you please. This convenience will no longer exist than there shall be lands to answer to new creations of assignats ; but these extraordinary means once exhausted, real difficulties will again make their appearance ; unless, by a disloyalty that is without example, we sacrifice the entire fortune of the creditors of the state to our speculative ideas.

It is not only in great constitutional questions, that the national assembly has manifested a spirit of exaggeration ; the same feature is visible in the majority of its legislative dispositions, which I could easily prove had I time to discuss so immense a subject. I have sometimes asked myself to what it is owing that a nation so long celebrated for gracefulness, decorum and purity, in the arts, in elocution and in manners, has displayed so little

of these qualities in its new capacity of legislator: and the most favourable solution I could give was, that a free and easy deportment were allied to a certain degree of confidence, and that this confidence the French had not yet acquired in a science, in which they were desirous of distinguishing themselves before their strength was at its maturity, and almost before they had learned to move their feet. They were fearful also of losing themselves in their new career, they were fearful of going out of their depth, if they quitted for a moment the chain of reasoning: but with this compass, proper enough when we have to steer a direct course, we shall never arrive at those miscellaneous and scattered truths of which the science of moral man is composed. Lastly, the deputies of the national assembly, astonished at the greatness of their mission, rejected sentiment as a common idea, incompatible with their extraordinary dignity and their supreme rank. It is

sentiment

sentiment nevertheless, and sentiment alone which can delineate the transitions and shadings of ideas, connected by some point or other, with the weaknesses and passions of mankind.

Having thus explained the several sorts of talent and disposition which concurred in the great work of the French constitution ; I shall now call the reader's attention to such positive circumstances, as prevented the national assembly from acquitting themselves with honour in this memorable enterprize.

One of the most decisive, in my opinion, is the resolution they so early formed of treating all public affairs indiscriminately in general assemblies, thereby renouncing the plan they had first adopted, of dividing themselves into different committees for the examination of great political questions. This division was unnecessary and improper in discussing objects of legislation ; but it was perfectly applicable to the work of the constitution ; a difference

which it becomes me to explain. The subject of a civil law, or law of administration, has doubtless a certain number of bearings, and dependencies ; but the circle is sufficiently limited to be within the comprehension of a numerous assembly ; the multitude of rays therefore which, in this case, illumine a single point, serves but to exhibit it under all its different aspects, and it is sure of obtaining a full investigation. With a political constitution it is otherwise : a political constitution is an immense work, composed of an infinite number of parts, the union of which ought to be considered in all its harmonious proportions, if we would form a right judgment of it. The business is less to discover the circumjacent ideas of each article, than to regard them as a whole, and to estimate them by one and the same spirit, one and the same interest, one and the same rule. It is necessary, in examining and composing a political code, that we should have continually in our view

the

the first, the last and the intermediary thoughts to judge of the general effect : it is like a fan mount, that must be kept perfectly extended and have all the parts of the drawing exposed to the same light.

The national assembly had indeed instituted a committee of constitution ; but this committee made its report by piecemeal, frequently at considerable intervals, and always in presence of the whole legislative body : and accordingly as the assembly was more or less numerous ; according to the prevailing disposition, a disposition often determined by exterior movements ; in fine, accordingly as the principal speakers and leaders of parties found it necessary to enhance their reputation with the people, declamations against the executive power, and the royal authority in general, were more or less animated. And thus did the sentiments of the moment alone preside in the construction of a work destined to last for ages. The same passions, and others of a still

still higher tone, displayed themselves also at the period when the constitution was revised; and this second labour has repaired but imperfectly the faults of the first. Besides, it was now too late to think of correcting the elementary principles of the constitution: it was too late to guide opinion; it had been rendered independent of reason, by being employed as an hostile force, and to place it under its former yoke was no longer practicable. In short all the passions were in turmoil; to speak or act with calmness was impossible; and the assembly were less than ever in a condition to revoke the testament *ab irato*, which now serves us for constitution and law.

These inconveniences and misfortunes would probably in a great measure have been prevented, if the committee of constitution, after having finished their work, had submitted it to the examination of the different sections of the assembly. They would not then have had to calculate perpetually the opinion of the

the moment ; they would have ceased to watch with a jealous eye their daily crop of petty praise ; they would have seen every thing in its true place beneath a vast horizon ; they would have adapted their system to the comprehensiveness of genius that was capable of estimating it as a whole, and not to the narrow conceptions of men who were able to see but a small part at a time. Divided into sections, the assembly would have been more unrestrained in their opinions than it was possible they should be in deliberating, as they did, amidst the tumultuous waves that incessantly agitated them. They would have taken a large view of the constitutional code, before they had chained themselves down to its particular articles. They would have heard those discreet and modest reasoners, who from weakness of voice, prudential fears and the timidity of their character, were struck dumb in the midst of an assembly, where no man could figure but the hardy and the bold. In the same

same manner they would have subtracted from personal contests and vehement declamation, all that part which had no other object than to make impression upon a numerous audience, and to gain a name in that petty record which is under the direction of the journalists. All that vanity lost, reason would have gained, and they would not have been able to overlook the essential vices of the constitution. Each man would have enquired, without fearing to pass for courtier or coward, what degree of power ought to be vested in the royal authority, to maintain order and insure the activity of government in a kingdom like France. Each man would have asked, what was executive power, without the necessary prerogatives to secure its ascendancy? what was a king, without the attributes essential to his dignity, without gradations of rank, which serve as the connecting tie to opinion? in fine, every one would have been prompted to consider, in all the calmness of meditation, the various reflections which I have endeavoured to collect and arrange in this work.

The

The conduct of the Americans furnished a sort of model which I regret was not imitated, and which I shall here delineate.

Each particular state of the continent nominated delegates, who met at Philadelphia to compose together the constitution of the United States. These delegates shewed themselves more jealous of merit, than impatient to enjoy, the glory reserved for wise and discreet legislators ; and they conceived that it was not their duty to discuss before the lowest classes of the people, the vast and complicated questions of which every political constitution is necessarily composed. As good patriots as we pretend to have been, and acquainted sooner than we with all the common places of popular argument, which have been so emphatically developed to justify the presence and empire of the tribunes, they judged that true wisdom, that a work calculated for duration, a work destined for the future as well as the present, ought not to be drawn up under

under the influence of that part of the nation, which, of all times, is never acquainted but with the time present. They believed that honest legislators could not receive, without blushing, partial applause, applause article by article, while they were composing a work whose true merit must lie in the whole. They would have been ashamed of being extolled by men who were without property, while all those who had property observed a timid and mournful silence : in like manner they would have been ashamed of the plaudits of the rich, if the other classes of society thought them entitled to reproaches.

There exist not however in America, the same differences of fortune and education as are observable in France and the other countries of Europe. And of what consequence is that ? I shall be asked. Those differences are to be regarded as nothing, since the law has declared that all men are equal. Such I am aware, is your language ; but it does not express

express the sentiments of your hearts : for you well know that the law is not sufficiently powerful to level the inequalities of our physical and moral nature. You well know that education alone establishes disparities between men, which no decree, no jury, no high national court are competent to remove. A plant preserves the same name in botanical dictionaries, whether it has been watered with assiduous care, or has withered by neglect ; and yet its properties and virtues are materially altered by these circumstances. It is the same with human beings : all the constituent assemblies of the universe might proclaim them equal, they would still remain otherwise, as long as there should be differences of education ; and these will ever exist, since disparities of fortune and patrimony are the inevitable result of all social laws.

Meanwhile, the French constitution, and to its shame be it spoken, the French constitution, by its singular nature, renders the pre-
fence

sence of the people in the national assembly absolutely necessary: for of such materials is it made that it would fall into decay, if it were not continually supported by popular influence. But supposing this principle to be just, we are not to conclude from it that the constitution itself ought to have been voted under the eye of the galleries. The true conclusion is opposite to this: for if the presence of the people, at the deliberations of the legislative body, is now to be considered as one of the elements of the French constitution, it was certainly wrong, while composing that constitution, to admit among them spectators, whose influence could not fail more or less to operate upon the constitution itself. This is like referring a question to arbitration, and admitting one of the parties to vote among the arbiters.—But the people are the true sovereign; they have a right of entrée to the assembly of their servants, whether the debate relate to civil or political questions, since the nation is equally

con-

concerned in all. What an absurd confusion of principles ! The sovereignty of the nation is nothing more than an abstraction, till it has been determined what are the forms according to which the national will is to express itself ; and this determination is the purpose for which a constitution is constructed. Nothing therefore can be more irregular, than that a part of the people should influence by its operation the construction itself ; for this is to suppose the sovereign active, before the sovereign is recognized, before the supreme majesty has come forth from the night of abstraction and clothed itself in a visible and definite form.

The delegates who assembled at Philadelphia, to prepare in common the federal constitution of America, transmitted their plan, not article by article, not chapter by chapter, but in its complete form, to the legislative body of each individual state ; and these legislative bodies, composed in general of few members, examined it with mature deliberation,

tion, and in the same manner as the national assembly would have done, if, for this purpose, they had divided themselves into sections: and by following the example of this wise nation, they would have given to France a constitution in which at least the features of reason and prudence would have been conspicuous, features without which every government must fail of exciting general respect and admiration.

The project particularly had never before been formed by any institutor of social order, by any founder of political government, of leaving in a manner the executive power out of the question, of abandoning it, in detached parts, to the determination of unconnected committees, whose business was to organize the different branches of the constitution: to the committee of war, committee of marine, committee of jurisprudence, committee of pensions, committee of contributions, committee of finance, and a multitude of others;

and

and of admitting only into the constitutional code, the prerogatives which remained after all these partial dispositions had been made, after the rival emulation of the young stoicism of our modern censors had collected its plunder. But I have already exposed this capital error in another part of my work, and shall not therefore dwell upon it here.

I turn to other circumstances which were hostile to the formation of a good constitution. And it is not necessary that I should laboriously call to memory, that this constitution was constructed in the midst of discord and antipathy, an antipathy carried to so great a length, that reason herself seemed to lose her authority on one side of the hall, the moment it was recommended by the deputies on the other side. How was it possible that a social legislation, that work of which harmony is the principal beauty, should result in the midst of this contention? It is to the same source we are to ascribe the for ever to be

regretted change that has taken place in the national character ; it is to the intestine divisions that broke out in the very commencement of the assembly, that we are bound to refer the early abjuration of all means of conciliation, the resolution that was formed never to melt, by the benign influence of morality, the different parts of the political system into each other ; so that every thing remained rugged and unformed both in the constitutional laws and the means chosen for their execution. All that we behold is so many abstractions chained together in an artful or unartful manner, never that auspicious union of judgment and feeling, in which the strong and the weak man, the sentimentalist and the logician, the friend of order and the partisan of liberty might equally agree.

We may include also, among the causes of the discordance, apparent to every one, between the different parts of the constitution, the new principles embraced by our legislators

during the course of their session. Such, among others, was the principle of absolute equality which suddenly made its appearance, in contradiction to the constitutional security which had been accorded to property, and the solemn admission of monarchical government as a fundamental basis of the political system by which France was to be governed.

I have shewn in a preceding chapter, that the principle, such as it was understood in the course of the discussions of the national assembly, had no share in their earlier proceedings, and if they felt inclined to grant it a retroactive epocha, it was only that they might give to successive and variable ideas the external honours and form of consistency. Meanwhile the maintenance or abolition of an intermediary corps in a great kingdom, was a political circumstance the effects of which were so important, that it was impossible to construct with prudence the first elements of a monarchical

government, while this question was in uncertainty.

There is another question equally important, and which, after having been suffered to lie dormant for a considerable time, was at last, when taken into consideration, not decided upon and placed out of doubt: I refer to the question whether the consent of the king should be included among the conditions necessary to give an authentic character and complete authority to the political deliberations of the assembly. Now we read in the Procès-Verbaux of their proceedings, that, on the eleventh of September 1791, and posterior therefore to the epocha distinguished by the name of the Revolution, the question was agitated, whether the king could refuse his assent to the constitution; and the assembly, after a debate upon the subject, decreed that there was no necessity of coming to a decision upon it at present.

It may farther be mentioned that the deputies

ties of the commons in particular, departed greatly from the sentiments expressed by them in their first addresses to the king. "Your majesty shall be convinced," said they in one of them, speaking of themselves, "that they will not be less just towards their fellow-citizens through every rank of society than devoted to your prosperity."

But the most important remark, on account of its numerous applications, I have to make is, that the representatives of the nation were in the commencement far from thinking themselves dispensed from all attention to the instructions and mandates of their constituents. This idea suggested itself in a gradual manner, and it was impossible that their proceedings should not be influenced by so great a change in their sentiments and modes of thinking.

It cannot be disputed then, that, in the first discussions upon the fundamental basis of the constitution, many essential principles were yet undefined, in the opinion of the national

assembly, which were afterwards given out and admitted to be the parent ideas, the original thoughts of all they had done. It is therefore with sufficient reason that I have placed the fluctuation of their sentiments in the list of the circumstances that contributed to the imperfection of their work.

Nor must it be concealed that certain extraordinary events, over which it is my duty to throw a veil, inspired the representatives of the commons with just suspicion, and that this suspicion contributed to the variableness of their proceedings. In the sequel of their labours they ought indeed to have resumed that unity, that comprehensiveness of plan that well becomes the victors ; but they did not resume it.

In short, and this shall be my last observation, the innumerable multitude of objects which distracted and fatigued the attention of the assembly, prevented them from uniting and fixing all their thoughts on the important work of the constitution ; and as among these objects

objects many were calculated to irritate and inflame the mind, it was the more difficult to preserve the impassive or temperate character so essential in a legislator. This consideration alone is sufficient to excite doubts respecting the perfection of a political code, that should harmonize in all its parts, in the midst of this agitation and such a conflict of circumstances.

It was not thus that the legislators of America conducted themselves : they assembled for the purpose of constructing a constitution, and they confined their attention to that object only. The French assembly, on the contrary, took under their survey, destroyed and new modelled every thing : political laws, civil laws, criminal laws, laws of administration, ecclesiastical system, maritime system, military system, forest laws, rural code, statutes of mines and miners, statutes of commerce and high roads, system of taxation, of coinage, of finance, in fine every article that ever entered into political deliberation, they indiscriminately

criminally subjugated. They seemed resolved to place their own glory in causing to die of a broken heart all personal vanities past, present and to come; not suffering themselves to consider, that any one of these branches, properly digested, would have done them more honour, than a thousand rude and half made outlines. Nor was this all, for after having palsied every limb of executive power, they found themselves obliged to take the functions of this power into their own hands; and from that moment the constitution was merely one of the little articles that made up their task. How then was it possible that the constitution should be well digested? How was it possible amidst so many tasks, that they should properly attend to this? Probability contradicts the supposition even more than reality; but probability and reality unfortunately agree in the present case, to attest the imperfection of the political constitution of France.

It

It is nevertheless to this constitution and the whole of this constitution, to nothing more and nothing less, that vows of eternal love are paid ; it is for this constitution that men are ready to sacrifice their lives, to shed every drop of their blood. Alas ! did they know it better, they would be less prodigal of such declarations of attachment. Of all men in Europe the persons most astonished at its success are its first parents ; and I cannot but believe that, when they observe the blind zeal and fervid homage of its adorers, they say to themselves, with a Roman pontiff, *quando quidem bonus populus vult decipi, decipiatur.*

CHAPTER XIV.

Of the public assent to the French Constitution, and the inferences which may be drawn from it.

IT is much easier to direct the public judgment, than to form a good constitution; and on this account the national assembly, or those by whom it has been governed, have been more successful in the first than in the second task. The opinions of the people are beyond every thing easy to subjugate: it is requisite only to be acquainted with its few predominant passions, and to connect with these, either by a real or an illusory tie, such ideas as we may wish to instil. Men of a superior class frequently suffer themselves to be led in the same manner, so flattering is it to have their spontaneous effusions honoured with the glorious

glorious appellations of thought, penetration and reflection. It was then an artful contrivance, the success of which was certain, to involve the constitution in two principles, two words, liberty and equality. Men of sense would perceive, that between these ideas and the just conception of a political institution, there was a vast, and, as it were, a desert space to be filled up. But while the mind of genius, in its comprehensive view, continually turns its eye from the centre to the circumference, it is by a direction absolutely the inverse that opinion is to be governed. The people are to be acted upon only by reduction, and it is by restricting their ideas to the narrow circle of their feelings, and absorbing their passions in a conventional phrase, that we become their masters. This object accomplished, a watch word, or in its stead, an outward token, a mark of distinction, the colour or fold of a ribbon, has greater efficacy than the wisdom of a Solon, or the eloquence

eloquence of a Demosthenes. Such are the multitude, such is the description of empire that may be obtained over them; and criminal indeed are those who, knowing their weakness, take advantage of it, and love rather by the practice of every art to deceive them, than, avoiding guile, render them happy by the sole authority of reason and morality.

The diminution or subversion of this authority is the greatest misfortune we have to lament; since the power of the wise, that power which has alone, in all ages and in all empires, proved an adequate balance to the irresistible force of numbers, is hereby annihilated. There is not one of our faults that has an equal influence both on the present and the future. The very first elements are in this case corrupted, and the law of gravity of the moral world rendered of no effect.

— By fixing the attention of the inhabitants of France upon two ideas only, equality and liberty,

liberty; the legislator had little doubt of directing their opinions to whatever point he pleased; he was sure at least that a veil would thus be thrown over the vices of the constitution; for it is then only, when public order is represented as the essential end of social compact, that men feel, with the force of conviction, all the importance of the power destined to secure the observance of the laws, and maintain the regular movement of the general administration. It is then also that political ideas begin to be complicated, and cease to be adapted to the capacity of inattentive and superficial observers. We are all of us but too prone to forget social order, in the same manner as we forget the order of the universe; it is the impression which every thing, carrying with it a stamp of permanence and uniformity, makes on the human mind: but while political harmony, that great and admirable result of the combinations of genius, escapes the observation of some, to others, and these

these are by far the greater number, it is in-
commodious and troublesome. Dissatisfied
with their lot, desirous of novelty, anxious
after a change, they feel no admiration for
those laws of equilibrium which preserve men
in their mutual relations and respective places.
The words liberty and equality convey a
charm which strikes their ear in a more agree-
able manner. They thirst after the revenges
of envy and jealousy, because they feel all the
chagrin arising from those passions ; and, cut
off from perfect happiness by the immutable
decrees of nature, they imagine that the salu-
tary bonds of society alone prevent the attain-
ment of that end, to which the illusions of
their imagination continually approximate
them. Thus when legislators themselves, the
guides and instructors of nations, support the
errors of mankind ; when the sworn cham-
pions of reason, called upon to fix the limits
of every principle, overturn with their own
hands all the barriers opposed to the usurpa-
tion

tion of general ideas ; in fine, when political philosophers speak of liberty and equality with the impetuous zeal of novices, and disseminate truths which the wisdom of ages has consecrated, it is no longer astonishing that the people should abandon itself to every species of exaggeration. To the national representatives then must we ascribe all the mischief which the continual cry of liberty and equality has occasioned. These absolute expressions, supposed to comprise all the multifarious ideas of politics and philosophy, resemble the burning glass of Archimedes, which was capable of being employed either to set fire to the enemy's ships, or to reduce Syracuse to ashes.

How then can the assent of the people be adduced in proof of the excellence of the constitution ? Can the multitude be a judge of so complicated a work, a work composed of so many different elements ? Can even the nation be a competent judge, a nation that has never before during the lapse of so many ages,

employed its thoughts on political questions and difficulties? The very men who have been selected to prepare this constitution, in all the calmness of deliberation, have themselves been deceived; and how expect an enlightened judgment from others amidst the distraction of their passions and worldly pursuits?

Beside, it is well known that the majority of the inhabitants still confound with the political constitution, those distinguished acts of simple legislation which have been the work of the national assembly; and great pains have been taken to support this error. It was in reality the best possible way of attaching the people to the new government, since among these acts of legislation, there are not a few whose utility to the state are by no means equivocal. The suppression of the *gabelles* and the *aides*, the removal of the custom houses to the frontiers, the simplification and equal assessment of the taxes, the destruc-

tion of the corrupt spirit that attended their collection, the fixing by an authentic public act the amount of the expenditure, the irrevocable proscription of every species of prodigality and abuse, the institution of juries and justices of peace, and various other regulations equally wise and benevolent, are all included, in the opinion of the multitude, in the constitution, and no attempt has yet been made to rectify this mistake.

To the constitution also has been ascribed through all the provinces, the long delay of substituting other taxes in the place of the abolished ones, a delay which has proved so injurious to the public treasury. What however is certainly due to the new government is the liberty each man enjoys of contributing according to the degree of his patriotism.

Care has likewise been taken to embellish the constitution, by incessantly comparing it, not with a better constitution, not with a constitution more wisely contrived, and at the

same time equally free, but with the former political state of France, with the ancient government, taken at some distant period, and represented in a point of view that cannot fail to excite detestation. . The constant object with which it is contrasted is despotism ; as if there were no free governments, as if the English and the Americans were slaves ; and as if, in short, there existed but one way of becoming free, invented or discovered for the first time by the national assembly.

Lastly, by the constant use of the term conquest, it has been attempted to obliterate the recollection that all the essential foundations of liberty, all those of which the importance is universally acknowledged, were laid by the king on the 27th of December 1788, prior to the meeting of the states general.

Meanwhile, the word conquest may certainly be applied with more propriety to the various stratagems which have been formed to usurp public opinion, than to liberty : for never

never was the plan of a compaign more skilfully conducted ; and there have been employed, without scruple, as auxiliaries, every act of violence and means of terror that were calculated to second it. Such of the nation, as, from the commencement of our political disputes, supported the ancient government, or defended the privileges of the clergy and the noblesse, have had a particular appellation bestowed upon them ; and this appellation, after being converted into a term of war, has been employed, at pleasure, to let loose the vengeance and hatred of the people against all those who have presumed to differ, in the smallest point, from the sentiments of the chiefs of the national assembly. Thus, whoever in the sincerity of his heart and from the dictates of his judgment wished, for the good of the state, that the legislative body should to be formed of two houses ; whoever testified uneasiness at the degradation of the royal dignity and the extreme decrepitude of the

executive power ; whoever deemed it essential to the interest of France that the national representatives should possess a certain degree of landed or other property ; in short, all those who coincided with Europe in opinion respecting our principal political questions, have been branded with the name of *Aristocrates*. As a term of Greek derivation it was happily chosen, since it might be made to comprehend whatever its inventors should think proper, without danger of objections on the part of the people ; and accordingly it has been familiarly employed, sometimes to bring under suspicion, but more frequently to devote to proscription, those who dared perceive any spots in the planet of the constitution. And it has sometimes happened that the most moderate censors, gaining credit with some because of their moderation, have incurred the greatest share of odium.

Nor is this all : for the same undeviating purpose of usurping and in the strictest sense making

making a conquest of opinion, societies were established in every part of the kingdom, whose object was to support the glory and celebrate the perfections of the constitution, long before the constitution was finished. Every day these societies had a new article to subjoin to their political creed, as so many additional beads to their rosary ; and woe to him who should hesitate to follow the example ; woe to him who should doubt the inspiration of the prophets : he would have to contend with missionaries, who, now arguing and now tyrannising, employed every expedient they could devise to render their lessons persuasive.

Meanwhile, after having confounded, in the public mind, acts of simple legislation with the political institutions of the national assembly, to the end that the new system of government might be more successfully defended ; after having brought into discredit the well informed men among them, by care-

fully concealing this fact, that, though they disapproved of various articles of the constitution, they were the warm advocates of every principle essential to liberty ; and after having employed all the other means I have pointed out, they fell on a stratagem of a perfectly novel description. This was no other than adroitly confounding the revolution itself with the constitution ; and accordingly whatever methods were taken to secure the one became favourable to the other. Thus, in the name of the revolution and profiting of the universal wish for a change in the ancient government, two oaths were imposed of fidelity to the constitution, before it was brought to its termination ; a circumstance unprecedented in the annals of history ; and the deference that, from prudential motives, was paid to the predominant authority, by the peaceable class of citizens, was afterwards construed into general approbation of the constitution.

Nor did they stop even here. They brought
into

into action, and that at every possible risk, two machines known to every body ; the multiplication of assignats and the requisition of an oath from the clergy. The one would attach to the new order of things all those who should become possessed of paper money, and the other alike offered the revolution as the only refuge to those who should desert from the standard of ecclesiastical obedience to enlist under that of politics.

They have resorted also to promises of every description to give a favourable bias to opinion. They foresaw that this opinion once elevated to admiration, would there remain fixed, or that, at any rate, it would be easy to cut off its retreat. It was in this manner the national assembly first gained over the state creditors, by assuring them that they should receive the interest of their capital without the smallest deduction ; by proscribing, in all its acceptations, the word bankruptcy ; and by loudly trumpeting forth the fidelity of the French nation to

its engagements. These creditors, however, are now paid with paper money, the precarious value of which enhances and must necessarily enhance the price of goods and merchandize of every sort; of consequence, though they receive their nominal interest, they can no longer procure with the sum paid them the same amount in real objects. It is true, indeed, instead of assignats, the lands and houses forfeited to the nation are offered in payment; but as this property is sold by public auction, its price increases progressively, not according to its effective value, but in proportion to the low estimation of assignats; so that the state creditors, in this way, sustain the loss they meant to avoid by the purchase of national property; and it is the public treasury that invariably profits by their loss. The situation of foreign creditors is still more deplorable; since, whatever sacrifice they may be desirous of making, it is not possible for them to convert the bills they receive into money,

money, the exportation of specie out of the kingdom being prohibited. They are therefore obliged to submit to all the disadvantage of the price of exchange, and to receive for a hundred pounds due to them from France, probably not more than fifty. Such to them is, at present, the result of French loyalty. How strange a name for such conduct! No ministerial manœuvre was ever productive of so great mischief.

Another deception has been practised of the same kind, or at least dictated by a similar spirit. Great stress has been laid on the diminution of public expences; meanwhile in the estimate that has been published, a circumstance of the highest moment has been carefully concealed, namely, that the annual produce of the taxes falls short of the fixed expenditure; and the difference is by no means trifling, since it amounts to upwards of a hundred and fifty millions (6,666,666l*.) In congratulating the nation then on

* See the Note at the end of the volume.

the amelioration of its lot, it would have been but just to have apprised it of this immense deficiency, and in what manner it was to be supplied. By permitting a deficiency in the finances to take place, it is in the power of every government to give a temporary relief to the people. The intention here was to gain over those who felt the weight of taxes, in the same way as the state creditors had been seduced; and to accomplish this object those rules of sincerity have been resolutely deserted which the politician is apt to regard as so many fetters upon his exertions.

I might also mention under the same point of view, and as no ordinary piece of affectation, the idea that has been kept up of the pretended destruction of the privileges which were formerly annexed to certain provinces of the kingdom, a distinction which has been proposed to the imitation of all citizens possessed of any exclusive advantages. Every one has taken upon credit the story of this destruction;

struction; it is, however, greatly misrepresented: the most essential and remarkable of these privileges in the provinces in question is not annihilated, I mean their unequal share in the burthen of taxation. The privileges relative to the gabelle, the aides and others, are gone, because these taxes are abolished; but the partial favour that certain provinces enjoyed has considerably influenced the distribution of payment to the direct taxes *.

To the other resources which have most eminently contributed to hide the defects of the French constitution, it is my duty to add the daily invectives pronounced against the executive power, and the perpetual custom of imputing to that power the disorders of the kingdom. The idea was no doubt ingenious, and no one will call in question the skill of the leaders of the national assembly in supporting this ingenuity. It is obvious if we attend to the origin and history of opinions, that the more we circumscribe the supposed causes of

* See the Note at the end of the volume.

great

great events, the more impression does our representation produce. Thus he that talks of the imperfection of a political system, that source of disorders so vast, so irresistible, but at the same time so complicated, has much less hold upon the general attention, than he who talks of the supposed duplicity of a minister, a being who has a name and a form, whose person we can behold, and whose actions we can personify.

It is by a kind of connection with these same principles, that an excellent opportunity has apparently been gained of imputing to stock-jobbing the great loss sustained by assignats. But this loss is the natural effect of the great abundance of this new specie, and of the superiority which money every where must gain over an exchange with paper, unless the paper as in England, can be converted into money at the will of the holder. This loss is the natural effect of the different value which must necessarily be stamped on money, that is current

current throughout Europe, and on paper that is only current in one kingdom, and not even there without exceptions. In fine, this loss is particularly the natural effect of the sale by auction of the territorial domains, on the security of which the assignats were at first issued and to which they must finally revert; for these domains increase in numerical value, in proportion to the fears of the holders of fictitious currency. Thus the state, by not having set a fixed price on the domains, and by reserving to itself the power of profiting by the terror of purchasers, is from this speculation become the chief cause of the fall of assignats. The national assembly, while intruding an immense quantity of paper money and assigning, as a sinking fund for their repayment, the purchase of these domains, ought not to have subjected that purchase to an indefinite bidding. Such a kind of auction is contrary to justice, which supposes the payment to be in real money, the received value of which

which is invariably fixed. Morality is a species of philosophy that is applicable to every thing. If we study it deeply we shall find that it is at once an idea the most common and the most abstracted ; a thought the most individual and a principle the most universal. It is perhaps these two qualities, these two functions of morality, that have caused our novices in politics, fixing their attention solely on its private application, to refuse it as a guide in public affairs.—I return to stock-jobbing, to that frivolous operation which has been assigned as the cause of the discredit of the finances ; like as the disorders of the kingdom have been attributed to the executive power. I have already shewn the true origin of the loss sustained by assignats, which could neither be occasioned nor prevented by any effort of stock-jobbing, the influence of which is confined within very narrow limits, and its effects are very soon counterbalanced by the interests of opposing parties. Some speculators contribute

bute to lower the stocks, others to raise them, and all must buy after having sold, or sell after having bought. The agitation of these counteracting causes favours the general price of the public funds, because they are thus rendered the more easily negotiable ; but it cannot alter the grand principle and source of the intrinsic value of things. That stock-jobbing should be proscribed as an immoral and often dangerous speculation, is reasonable ; but to attribute to its influence the discredit of the assignats or public funds, is to take a very confined view indeed of the subject. In the mean time the greatest act of stock-jobbing ever yet conceived, is that of which the national assembly has afforded the example, by issuing an immense sum of paper money, and afterwards profiting by its discredit to sell the national domains at a higher price. The occasion obliges me once more to repeat, what I said to the legislators themselves when first the plan was proposed which they have since

Vol. II.

U

carried

carried into execution: "It does not become
" a nation to transform itself into a stock-
" broker, and, avail itself of the appre-
" hensions of individuals to make its own
" fortune."

I have noticed only the great political man-
œuvres which have been employed to enlist
public opinion on the side of the constitution.
How many others, less remarkable, might
I not adduce were I desirous of swelling the
list! Art has every where been practised, and
in all its diversity of forms. Meanwhile, and
spite of these numerous precautions, this dex-
terous management, the constitution has been
regarded in a light distinct from the revolu-
tion by the majority of the French nation;
and while the wish for a change in the old
government has remained almost general, no-
thing is more equivocal than the sentiments
of the majority in favour of the constitution.
Of this we shall have a striking proof, if we
observe the small number of citizens who
make

make their appearance in the assemblies of election. This tacit censure, the only one which can be exercised with impunity, is extremely forcible.

We ought farther to attend to the various propositions upon which expectation was built, which gave hopes of a favourable change and served to calm the fears and disquietude of mankind. It was first announced that the formation of the municipalities would put an end to internal disorders ; it failed however of producing any such effect. The establishment of the districts and departments was then to be the period, and the event contradicted this conjecture. It was next promised that the winding up of the constitution, would be the era of the regular movement of administration, and this assurance has by no means been realized. Now the restoration of order is referred to the dispersion of the emigrants ; and if a disappointment should again happen, the entire destruction of party spirit will be taken

as the final term. But this spirit of party is not merely the result of oppression exercised by one description of citizens against another, it is also the necessary consequence of a bad system of government; and the moment in which it would prove most dangerous, would be that in which it should seem no longer to belong to any particular class of citizens, and in which, deprived of its present glare, it ceased to afford a point of union, pro and con, to the doubtful, the wavering and the irresolute. When the Romans could no longer say: *Delenda est Cartago*, Carthage must be destroyed, all the intestine divisions were engendered which effected the ruin of the republic.

The people have been kept ignorant of the true merits of the constitution, by an exaggerated account of the evils of aristocracy on one side, and of republicanism on the other. It has been taken for granted that truth must lie between these two extremes; but it has not

not been observed that the fermentation of these opposite errors among us has been produced by the impossibility of remaining fixed at the point prescribed us by the constituent assembly..

And what is the present object ? Alas ! it is but too apparent that a last political resource is hatching, not less artful than the preceding ones, but certainly more criminal. It is wished to blend with the disorders which harass the kingdom, external troubles, to the end that in the general confusion the true source of our misfortunes may no longer be distinguished, and that, occupied with a single interest, the public may be diverted from every other reflection. By what a monstrous series of illusions have the people of France been led on so far as even to desire a war ! First, it has been endeavoured to be demonstrated that liberty lay in the exact dimensions that our philosophical legislators had marked out to her, and that a hair's breadth more or

less would replunge France in the abyss of slavery. Next they have undertaken to persuade us that a constitution founded upon so sublime and novel a theory, was the object of universal admiration, and certain deputies of the human species have been ushered into the assembly to announce the sentiment that was diffused through the whole world. From less they have gone on to greater : they have not hesitated to assure the nation, that if they rose to the level of their true dignity, they would carry dismay to the hearts of the petty number of Aristocrates that occupy, *ad interim*, the different thrones of Europe, and that Gallic liberty, that liberty which the citizens of peaceful states contemplate with horror, would become the treasure and future bank of mankind. From this idea, and others equally absurd, the distance was short to an open declaration of war against kings ; but foreign nations will not be much encouraged to confidence by the cry, which at present prevails,

War

War against the mansions of the great and peace to the cottages of the peasant : because all civilized nations still think that the proprietors of mansions are citizens as well as other men ; because they would fear lest, in setting fire to these mansions, our incendiary hordes should neglect to give timely notice to the master, or his family, to his steward or his servants, and that their escape from the flames would be a matter of uncertainty ; because they would fear, that the superannuated domestics, pensioned by their lords, and preserving an unconstitutional respect for them, might be forgotten in their beds, or in the obscurity of the night become the victims of blind ferocity ; because they would fear, that the zeal of these destroyers might cause them to mistake for mansions, the houses of the middle class of citizens, and that, from one gradation to another, every habitation with a chimney might be thought a fit sacrifice to the exclusive love of cottages. Similar mistakes have already

been witnessed in France, and little confidence can be placed in the prudence or accurate discrimination of those who undertake to burn and destroy.

Be this as it may, certain it is that foreign nations, with whom we are so desirous of sharing, as friends and brothers, our sublime constitution, are little disposed to receive with grateful acknowledgment the blessing that it is offered them : consequently all the reports which have been sedulously propagated, to inspire the French with an ardour for war, are stratagem and deceit. The French however are fond of events, hazards and glory ; and this trait in their character has been made the instrument of misleading them and perpetuating their error. Such is at least the tendency of the nefarious policy meditated by the chiefs of the nation who are totally unworthy of its confidence. They would effect the subversion of the whole world, to protract the triumph of one only of their opinions, or support their credit

credit for a single day longer. Alas ! they dread no remorse ; and there lies our misfortune. Their philosophical consciences will leave them in the most unruffled tranquillity amidst all the disorders of which they shall have been the cause : they will calmly listen to the recital of ravages and conflagrations of which their armed cohorts would dispute the glory : they will calculate without emotion the comparative number of dead, dying and mutilated, and in their small portative notes, represent these numbers by the letter X or some other algebraic sign, to abridge the work. Great God ! in what hands is the destiny of a nation placed ! And is it to the authority of inanimate ratiocination, is it to the yoke of lifeless reasoning, that a whole nation consents to submit. O virtues of former periods, virtues so long honoured by us, have you then quitted us for ever ? Certainly you could form no alliance with our pedantic ideas and our systematic abstractions ; but you might

might have been united, you might have been reconciled with the noble sentiments of a generous freedom. You could form no alliance with those severities, by which the legislators of France have become the oppressors of a numerous body of citizens, with those barbarities by which they have rendered themselves the accomplices of despair; but you might have been brought to unite, you might have been perfectly conciliated with the dignity which a true emancipation from every arbitrary authority inspires in all mankind. You could form no alliance with that upstart language, those insulting declamations by which, without ceremony or reserve, all the sovereigns in Europe have been wounded; but you might have been allied, you might have been reconciled with that majestic style, that dignified deportment, which never fail to command the respect of nations. Yes, these ancient virtues would have served us more effectually, would have been ornaments more

graceful, than all our heroical exaggerations, than all our daily additions to a complex nature, which is not our own, but the personification of which we have nevertheless been urged by all sorts of expedients to support. Alas ! the present and the future equally terrify me ; and when I see the finest country in the world, a country so dear to my heart, a prey to all the distractions of anarchy, I weep over the passions which have heaped on France so many calamities ; and recollecting a beautiful expression of Bossuet, I exclaim, sorrowfully contemplating her lot : “ Behold “ her, such as she has been made by her vanity “ and pride.”

CHAPTER XV.

Inferences which may be drawn in favour of the French Constitution, from the speech of the King delivered on the fourth of February 1790.

TOWARDS the close of January 1790, fresh disturbances, accompanied by personal violences, plunder and conflagration, laid waste several of the provinces, and a considerable agitation prevailed in the capital itself. The whole of this fermentation, the farther progress of which was dreaded, was ascribed in general to certain suspicions which had gone abroad respecting the king's political intentions ; and it was openly declared, that, without a particular manifestation of his sentiments, the tranquility of the kingdom could not be re-established. It was by these considerations, so worthy the attention of a monarch,

monarch, that the conduct of his majesty, on the fourth of February, was governed. At that period it was impossible for the king, or any other person, to form an enlightened idea respecting the merits of a constitution, of which there had yet been seen only the first immature fruits. The king was sincerely desirous that a free government should be established in France : but he felt, in common with all men of discernment, that the care of liberty ought not to divert the legislator from the maintenance and security of public order, and that the welfare of the state demanded that these two objects should equally share his attention. Penetrated with these truths, his majesty avowed his sentiments in the most unambiguous terms ; nor did he express more than he felt, when, declaring anew his attachment to the general principles of the constitution, he delivered these remarkable words. “ I shall therefore defend and maintain “ that constitutional freedom, the principles of

" which the general wish, according with my
" own, has rendered sacred."

In this manner did he express himself upon the subject of liberty ; and immediately after he called the attention of the national assembly to the care they ought to take of the authority destined for the maintenance of order.

" I cannot entertain a doubt,"—these were his majesty's words—" I cannot entertain a
" doubt, that, in finishing your work, you
" will seriously employ yourselves, with pru-
" dence and with candour, to render the ex-
" ecutive power firm and permanent. It is a
" condition without which no durable order
" can exist within, nor any respect without
" the kingdom. You can have no reasonable
" doubts remaining. It is therefore your
" duty, as citizens and as faithful representa-
" tives of the nation, to secure, for the good
" of the state and public freedom, that stabi-
" lity which can only be derived from an active
" and

“ and tutelary authority. You will surely
“ remember, that, without such an autho-
“ rity, every part of your constitutional sys-
“ tem will be disjointed and incongruous ;
“ and while employed on the liberty you love,
“ and which I also love, you will not forget
“ that disorder in administration, introducing
“ a confusion of powers, degenerates, by
“ acts of blind outrage, into the most dan-
“ gerous and alarming despotism.”

The assembly, on the fourth of February, when his majesty delivered this speech, had yet time to confer on the executive power the authority necessary to the effectual discharge of its functions ; and an assurance had been given that this should be done, the moment they were satisfied respecting the sentiments of the monarch. But after the royal declaration, the first thing they thought of was to take advantage of the public disposition, and exact an oath of fidelity to a constitution not yet formed. And since that period, far from

em-

employing their thoughts on the executive power ; far from reflecting how, by the mediation of that power, public order and the activity of government, were to be secured ; far from completing in this way the political constitution of France, they pursued principles of a diametrically opposite nature ; for it was *subsequent to the fourth of February* that the following measures, all destructive to the majesty of the throne, and the royal prerogatives, were constitutionally decreed.

The judiciary organization, depriving the monarch of every kind of influence in the nomination of civil and criminal judges, and justices of the peace.

The organization of juries, entrusting to public officers, named by the people, the privilege of filling up the list both of petty and of grand-jurymen.

The organization of the high national court, confiding in like manner the choice of the jurymen of that tribunal to electors named by the people.

The

The organization of the police, leaving to the monarch no share in the nomination of the officers who are to exercise its functions.

The new ecclesiastical constitution, depriving the king of all participation in the choice of bishops and other ministers of religion.

The organization of the national guard, excluding his majesty from all concern in the discipline of that corps, and the appointment of its officers.

The formation of the *gendarmerie*, destined to supply the place of the ancient *maréchaussée*, and respecting which the intervention of the monarch is reduced almost to nothing.

It was also *subsequent to the fourth of February*, that the military constitution circumscribed within the narrowest limits the royal prerogatives, by allowing the king but a small number of appointments, and by rendering admission into the sea and land services independent of his will.

The constitution of the marine has ex-
Vol. II. X tended

tended the same principles to the civil administration.

The decrees relative to the financial department, have deprived the king, without any exception, of the entire choice of the receivers and treasurers of the direct taxes ; and as to the indirect taxes, the nomination of the revenue officers has been subjected to rules of advancement, which leave but little to the option of government.

It was subsequent to the fourth of February, that the order of the noblesse and titles were suppressed, a measure which weakened the executive power in two ways, by depriving the king of a mode of bestowing favours, and by destroying an intermediary rank favourable to the majesty of the throne, without supplying the loss by the institution of any other political dignity.

The same observation may be applied to the abolition of the orders of knighthood, which was equally *subsequent to the fourth of February.*

It

It is also since that period, that the king has been deprived of the power of bestowing the smallest gratification or the most trivial pension, without the approbation of the national assembly.

It is since that period, that he has been interdicted from making peace or war, treaties of alliance or commerce, without the consent of the legislative body.

It is since that period, that his sanction has been rendered unnecessary to all laws relative to the establishment, reduction and assessment of taxes.

It is since that period, that he has been stripped of the most ancient, most august and most precious of all the prerogatives of the crown, the prerogative of mercy.

It is since that period, that he has been denied the liberty of chusing any minister, any agent of government, from among the deputies of the national assembly, a prohibition that has even been extended to a period of

two years after the cessation of the legislature.

It is since that period, that the royal authority has been in a manner brought into disrepute, by the king's being obliged to sanction, in consequence of popular tumults, the most severe measures against ecclesiastical proprietors, and other determinations of the assembly contrary to his opinion.

Lastly, it is since that period that the royal majesty has been degraded in every possible way, by the various regulations enumerated in a former chapter of this work : and to crown the whole, the constitutional code is made subject to such a form of revision, that, in three years, reckoning from the present time, there is nothing which can prevent a legislature from proposing to succeeding legislatures the entire subversion of monarchical government.

It may then be said with perfect truth, that the dispositions of the national assembly, subsequent

subsequent to the fourth of February, have essentially destroyed the executive power ; and that, had a different course been pursued, this power would have existed, and France enjoyed a constitution, not indeed without defects, but in which public order and liberty would not have been found at variance ; and time and experience would have perfected the work.

Meanwhile, if, as I have proved in so many different ways, executive power forms the key-stone of a political edifice, and if this power has been destroyed since the period of the fourth of February, instead of having been confirmed and invigorated, agreeably to the promises which were held out, it is clear that no inference favourable to the French constitution, such as it now exists, such as we have received it from the genius and munificence of our legislators, can be drawn from his majesty's speech. The king's speech on the fourth of February was prudently restrained in its expressions, and by no means over-

stepped the circumstances of the case. It was the assembly who wrested it into a false meaning, by immediately building upon it an oath of adhesion to a constitution not yet formed; and this proceeding on their part, at a time when the executive power was yet unconstructed, was yet, if I may be allowed the expression, unsketched, shews, in a very striking light, the inattention of our legislators to the principles of social order and the fundamental laws of political government.

I was bound, no doubt, to examine, as I have done, the inference which might fairly be drawn from the conduct of the king on the fourth of February; for this measure, however urgent might be the reasons that dictated it, had nothing in common with the acceptance of the fourteenth of February 1791. The circumstances which preceded this acceptance, that accompanied and that followed it, were of such a nature, that no man in Europe wants to be told what opinion he is to form

form of the most memorable transaction of the present age. Men may differ in their language upon the subject, but their sentiments are the same. Not to add, that the freest assent on the part of the monarch could be regarded only as the opinion of an individual; and political subjects are of too elevated an order to allow us to form a judgment respecting them from any thing but the relation they bear to the interest of nations, and the sacred principles of morality and policy.

CHAPTER XVI.

Conduct which the second National Assembly ought to have observed in receiving the Constitution.

TWO roads were open to the national assembly at the time of commencing its legislative career ; the one pointed out by wisdom and moderation, the other by those extravagant ideas which had so constantly misled the constituent assembly. It may seem at first sight, that in this second mode there was no longer an opportunity left for extravagance, and that our first legislators had reached the goal : but upon a closer examination we shall perceive that this was not in all respects the case ; and their successors hastened to add what they had omitted, not certainly as a reasonable proceeding, but as the most conspicuous, the most glaring

glaring and that which led to the loudest applause. Goaded by jealousy, panting after fame, the second national assembly wished to bind their foreheads with such splendid wreaths as should entirely obliterate the memory of their predecessors : but the laurels of the one will fade as suddenly as those of the other, and they will both appear to posterity with unadorned and naked brows *. They aimed at glory, and they will merely obtain a transient popularity : and as they have been indebted to the frivolity of the nation for their triumphs, so will they owe their fall to its inconstancy. They were unable to alter their stature, but they have contrived to obtain the appellation of great from the multitude, whose

* I do not conceive it necessary to cite in this place the exceptions which occur to me on recollecting the honourable character and distinguished talents of several deputies. I sacrifice the pleasure I should feel in naming them, to the sentiment, probably too generous, which prevents my pointing out others of a contrary description,

eyes

eyes they have covered with a double and a triple bandage. One single action, supported by reason and morality, would have acquired them honours infinitely more durable than the fictions which so delight them, and which will prove evanescent like every other chimera. Truth, powerful truth, whose empire nothing can subvert, the time will come when thou wilt be avenged of all that fantastic celebrity, of all those false reputations, which have been gathered in the regions of falsehood.

In pointing out what ought to have been the conduct of the present national assembly, my courage would fail me, were I direct to my attention to all that it has done. I shall therefore confine myself to that moment of expectation when it received the constitution from the hands of its authors. The eager and enthusiastic homage which it rendered to this work excited the admiration of every one; nor will I allow myself to censure with severity this instance of its behaviour, knowing,

as

as I do, better than any man, the empire of circumstances and the deference we are obliged to pay to them. Avoiding then all particular considerations, I shall, in the discussion of the question before me, look only to general ideas.

It may be proper in the first place to call to the recollection of the reader, that, in another part of this work, when pointing out the defects of the decree relative to the revision of the constitution, I demonstrated, that there would have been as much wisdom in rendering immutable a small number of articles, as there appear to be imprudence and folly in subjecting the multifarious dispositions, of which the constitutional code is composed, to an impracticable mode of amendment. The present is the moment to give to my idea its proper extent.

It is in my opinion impracticable, in a great state, to secure the liberty of the subject consistently with the omission of any of the following articles.

i. That

1. That the representatives of the nation shall have the exclusive right of making laws, subject to the sanction of the prince ; comprehending under the term laws all that relates to the selection and regulation of taxes.
2. That the representatives of the nation shall have the exclusive right of fixing the amount of the public expenditure ; there being evidently included in that right the amount of the military establishment.
3. That all articles of receipt and expenditure shall be accounted for to certain commissioners appointed by the representatives of the nation.
4. That the taxes shall be annually renewed by the representative authority, excepting those taxes which are given as security for the payment of the interest of the public debt.
5. That all arbitrary privilege, and power of dispensing with the laws be proscribed ; and that every citizen shall have a right to bring his actions civil or criminal against every public

public officer of whose conduct he thinks he has reason to complain.

6. That the military power shall not be brought into activity, within the kingdom, but by the previous requisition of the civil officers.

7. That the mutiny bill, or the law for authorising the discipline, and of consequence that gives existence to the army, shall be annually renewed.

8. That the press shall be free, as far as is compatible with the interests of morality and public tranquillity.

9. That the taxes shall be equally laid, and that no citizen shall labour under disqualification to the exercise of any public office.

10. That the ministers and public agents of government shall be responsible.

11. That the throne shall be hereditary ; a condition indispensable to prevent faction and to preserve political tranquillity.

12. That the executive power shall be

given full and entire to the prince, together with every means necessary for its exercise and for the securing public order ; a provision absolutely necessary to prevent the legislative body from engrossing to itself a despotism not less dangerous than despotism in any other hands.

To these provisions it would be necessary to add the most inviolable respect for the rights of property, did not this respect constitute one of the elements of universal morality, under whatever form of government men may be united.

The twelve articles I have enumerated must appear to every enlightened mind as the fundamental basis of the civil and political liberties of a nation. They ought therefore to have a distinct place assigned them in the constitutional charter, and not be confounded with those numerous regulations subject to continual discussion and alteration.

Why has not this been done by our legislators ?

tors? because, by such a line of distinction, two truths would have become visible, which it was the wish of the assembly to conceal.

The one, that the fundamental principles of French liberty were all contained either in the letter or spirit of the king's declaration of the twenty-seventh of December 1788 and its subsequent explanations.

The other, that all orders of the state, every class of citizens, the first agitation and distrust having subsided, would have acquiesced in these principles, and would probably still give their assent to them were they invited to do so.

The assembly had therefore a deep political view in confounding the fundamental articles of liberty with all the other details of the popular government which it was their object to establish; since a way was thus provided of denouncing, as enemies to constitutional freedom, all those who should disapprove of any part of the new political system.

Add

Add to this, that the first national assembly conceived the design of converting into individual property these principles of liberty, principles universally admitted and dear to the heart of man, by mixing with them the alloy of their own hyperboles and extravagance ; and as they never afterwards separated the false jewels from the true, few other persons attempted the task.

Meanwhile, let us consider what fatal consequences resulted from this strange blending of incongruous articles under the general name of constitution :

They were obliged to suspect the rectitude of the majority of these regulations and could not refuse to subject them to the test of experience. In so doing they could not avoid applying the same plan of revision to all the constitutional articles without distinction ; and thus while they reserved to the succeeding legislators the power of correcting and improving various articles, that ought never to

be admitted under the denomination of constitution, they exposed those very principles which form the basis of social order and the essence of public liberty to the peril of being open to discussion.

In fine, as I have shewn in a former part of this work, they generated a system of revision so absurd as to make all improvement in due form impossible * ; articles which no man ought to have been permitted to question, were declared to be fluctuating *de jure*, and articles which cannot be too soon superseded unalterable *de facto*.

Can any thing I demand be more consummately unsuitable to the nature of government?

It was immediately upon the blending of these incongruities, upon this strange combination, that the new representatives of the nation arrived at Paris from the different parts

* This subject will be found discussed at large in the sixth chapter of the first volume.

of the kingdom. The constitution had been terminated during their journey, and they had no opportunity to read and contemplate calmly the three hundred and twenty-nine articles of which it is composed, when they suddenly met together, expressed their unanimous approbation of this political code, and pronounced with enthusiasm the oath imposed upon them by their equals, by an assembly which had arrogated to itself the right of giving immutable laws to France.

That the whole nation should have sworn to submit to the constitution decreed in 1789 and the two succeeding years, to that constitution which some understood but imperfectly, and others not at all, ought not to astonish us; since it may easily be accounted for by the dangers that would have been incurred by a contrary proceeding. Beside, as this constitution gave to every man the liberty of declaring his sentiments on the new system of government, nothing more was necessary than
to

to possess a sincere intention not to violate the established order, to be sure of remaining faithful to his engagement. But the deputies of the second national assembly were in a situation widely different. Representatives of the nation, like their predecessors, and warned by the disorders of the kingdom of the defects of a constitution, of which some trial had been made, it was incumbent on them to consider whether they ought to consecrate in the most solemn manner and without any previous examination, the immutability of a system of government, constructed during the tumultuous sway of the passions, and evidently incompatible with public order, with the internal peace of France, with the regular action of administration, and with all the laws of true policy and sound morality.

Had the present assembly allowed themselves sufficient time to have become sensible of these truths, or at least sufficient time to

to them, before they bound themselves by such oath, the following reflections have occurred to them.

The greatest political misfortune is a social state without government ; and to this situation have our predecessors reduced France, by unconstitutionally depriving the executive power of the requisite force for the accomplishment of its important destination.

Another political misfortune equally deplorable, would be a social state, in which by the sole will of those who framed it, a government new in all its parts, should be incapable of modification and obliged to subsist with all its defects, precisely as it was shaped at the first rough cast. This, however, is what our predecessors have unintentionally effected, by subjecting the revival of the constitution to visionary conditions which it is impossible should ever be complied with.

If then our predecessors have struck the political organization of France with two distinct palsies,

palsies, two palsies, of which one is destructive of every blessing, and the other of every hope, does it become us, representatives like them of the nation, to accept the constitutional charter on the conditions they have imposed, and to sanction and perpetuate its defects by the solemnity of an oath?

Such unquestionably would have been the reflections of the second national assembly, had it been at liberty to listen to the suggestions of reason, or had it not been itself under a kind of spell at sight of a constitution blindly celebrated from one extremity of the kingdom to the other.

I admit that, considering the disposition of the public mind when the second assembly commenced its session, it would have been difficult, consistently with peace, to have hazarded a comment on a work accepted both by faith and hope; it may justly be doubted whether distinctions enforced by the soundest reasoning would have been favourably received;

but to consecrate at once by an oath, the total annihilation of government in a kingdom like France, and the impossibility of applying any legal remedy to this order of things, was surely a rash and fatal resolution. Such, however, was the deplorable alternative, such the inextricable dilemma to which the constitutional assembly reduced its successors. It has involved in every possible perplexity a system of government, which, destitute of sufficient means for the preservation of public order, thus leaves liberty defenceless, and supplies fresh arms to its numerous calumniators.

There are things, however, which our first legislators did not enjoin the assembly that succeeded them. They did not enjoin it to surpass them in exaggeration ; they did not enjoin it to be more eager than themselves in the pursuit of popular favour ; they did not enjoin it to cringe and tremble more than themselves before the savage power of the multitude ; they did not enjoin it to sacrifice to

to that power a greater number of victims, and to accept, out of compliment to it, the servile office of the *lion's purveyor*. Lastly, the first national assembly had never imagined that new means would be devised of weakening the executive authority ; that the royal majesty would be degraded still lower ; that the monarch would at length be reduced to a mere phantom, to lend his name to public measures, while his power was without action, and his government without dignity. And yet men continue to dispute about monarchy and republicanism : How vain a controversy ! Was ever democracy more unmixed than that at which we have already arrived ? Men continue to dispute about names when they have already in the most authoritative manner decided with respect to the substance. But how indeed should it be otherwise in the midst of fiction, gasconade and discord eternal ? How should it be otherwise when a garrulous philosophy has usurped the place of experience,

ence, a philosophy, which, while, it appears to set out from a true principle leads us insensibly into a path perfectly wide of our object. Meanwhile we proceed with such hasty strides in the route of illusion, that it cannot be but we shall soon be obliged to turn back, because our road goes no farther and there is not room to take another step. God grant that the kingdom of France may rise superior to all these disorders, and be able to profit with energy of that moderation and wisdom which must soon be so powerfully suggested to her !

CHAPTER XVII.

Concluding Reflection.

IN taking a review of the various reflections contained in the present work, I do not despair, more deeply investigated and better enforced by other friends of reason, of their contributing to deter the nations of Europe from embracing a government similar to that of which the legislators of France have transmitted to the universe the fantastic model. We might, perhaps, allow ourselves to consider this government as an amusement of the mind, as a work of the imagination, had it not led to the most fatal consequences, had it not been productive of the most melancholy events. We might regard that innumerable multitude of commanders whom nobody obeys,

of

of sovereigns who excite no respect, of friends and brothers between whom there prevails no understanding, no harmony, in the simple light of a curious phenomenon, if, amidst the general dissolution that has taken place, we had not seen vanity, in every shape, erect its head, and, striving for the mastery, transform itself into the most devouring passions ; we had not seen envy, hatred, malignity, and all the ferocious attributes of savages display themselves ; we had not seen in particular a constitution make its appearance, a constitution, the parent of anarchy, and which, substituting systematical ideas in the room of the common principles of social order, has loosened every tie, of which the nature of man has so long attested the importance and necessity. No constitution has ever excited so many disorders ! No constitution has ever occasioned so many tears ! Adopt it then, adopt it without change or modification, ye nations of the earth, who may be indifferent to the maintenance

tenance of public tranquillity ; who can look with calmness on the confusion of all authority, the progressive despotism of a tumultuous assembly, and the degradation of the power destined to watch over the observance of the laws. Adopt it, you who wish to bend your neck to the yoke of the multitude, who are desirous of having its servants for your masters, its flatterers for your tyrants. Adopt it, if you are weary of cherishing goodness, compassion, charity, mercy, and all the virtues which embellish and dignify human nature. Adopt it, if you are desirous that the philosophy of the present day should triumphantly establish itself on the ruins of religion. Finally, adopt it, give the preference to this constitution, if calm reason, manly independence, liberty without ostentation, and morality in all its vigour, which appear to be the fruits of the English government, do not inspire you with greater veneration than our complex ideas, or extravagant principles, our

factitious sentiments, and all those spontaneous productions of a systematical legislation and a government devoid of every tie and connection.

The greatest attraction possessed by the new constitution, consists in its inexhaustible fund of gratifications adapted to each man's vanity ; the general banquet that is prepared, to which every class of arrogance and ostentation has a card of invitation. But to all this there is one short answer : which is the purpose of the social system, to govern ill, or be governed well ? The thing most requisite is that we should be all conscious of liberty, and that we should all partake of peace, order and security : but peace, order and security are committed to perpetual risk by that political anarchy to which our legislators have given the name of constitution. The great traits of this anarchy are known to all the world ; but its innumerable details are so carefully disguised, that few men have formed a proper idea of

of them. All France is at present divided into two classes, the oppressors and the oppressed ; and no man possesses a secure tranquillity. Travel through the kingdom in all directions, or enquire of those who have : if your informers be men of veracity, they will tell you, that, down even to the most petty municipalities, you must not look to the law for protection, but to certain persons in power. Violence against property, restraint upon personal liberty, are decreed in the market places of each. Were the examples less numerous, the terror they excite would not be diminished ; for the constitution of man is not like the constitution of matter : Man is free, but matter is capable of the calculations of experience, and to the revolutions of the universe we can commonly say, thus far shall they go and no farther. It is true we do not take our seat in the councils where the elements hold their stormy debate ; nor where the flames of *Aetna* and *Vesuvius* arm themselves in subterraneous

terraneous caverns for future devaftation : but we are able to discover, by long obfervation, the limits which even the fury of their burning lavas respect. Trees are planted, cottages are erected in security almost upon the line where their violence ceases. It is not thus with man ; and above all it is not thus with the excesses that flow from a bad system of government. They regenerate themselves in every direction ; they have no determined circumference ; the moment, the day, in which their fury shall burst forth, cannot be predicted ; we are always in terror, always in alarm, and the tyrannous exertions of to-day, can by no means affire us that the tyrant will sleep to-morrow.

I will explain myself without reserve : I shall perhaps be pardoned, for if franknefs can be ever in estimation, it is at the moment that we are all perishing the victims of hypocriſy and selfishneſſ. Add to this, that I do not adopt any political opinion as a party man ;

I speak

I speak only from that pure and untainted affection with which I have long loved and still love France. I have united myself to her destiny, and I feel in the utmost degree depressed by her misfortunes.

It is no longer time to conceal a truth that a small number of sages foretold long since, and that experience is every day confirming in the most tremendous manner. The constitution of France is a bad constitution ; and it is in vain, that, out of respect for the persons or genius of its authors, we perpetually struggle against the opposition of reason, that hallowed representative of nature and of God, and which the potency of man cannot long keep at bay. It will be impossible to maintain a political constitution, in which executive power is forgotten, in which every legitimate authority is at variance, in which the people alone can preserve their sway, can increase it every day and exercise it with the most formidable tyranny. It will
be

be impossible to maintain a constitution, in which public order is left defenceless, when surrounded by such numerous enemies. It will be impossible to maintain a constitution, in which the deputies of the legislative body, dispensed from giving proof of their possessing any property, are in a great measure, and ere long perhaps will be completely, false representatives of the interests of France. It will be impossible to maintain a constitution, in which all power will necessarily be concentrated in an assembly, obliged to bend to the will of certain favourites of the multitude. It will be impossible to maintain, it will be impossible to continue attached to an order of things, in which illusion will have its utility, calumny its triumphs, hatred its gratification, and ambition every description of vice for its satellites. It will be impossible to maintain a constitution in which punishments must form the principal, and perhaps only resource of administration ; a constitution, in which the science

science of government is reduced to two principles, that every man may believe himself competent to the task, and rudeness and insolence are in perpetual honour, that all may suppose themselves capable of fortitude and energy : a constitution to which there is no other way of gaining partisans than that of continual proscription ; a constitution which, instead of being the centre of a happiness generally felt or generally hoped, appears to be the rendezvous of the Fates and Furies ; a constitution, which, by the infinite multiplication of passions and pretensions, keeps up in France so dreadful an agitation, that it is impossible to move without incurring some disaster. In fine, it will be impossible to maintain a monarchical government, in which the majesty of the throne is guarded by no prerogatives, by no intermediary rank, by no opinion calculated to preserve that respect without which royal authority is nothing more than an empty title.

Such are the facts, which, in the course of
VOL. II. **Z** the

the present work, I conceive myself to have demonstrated. I have further proved, and this is the principal source of my despair, that the constitutional means which have been devised, for the purpose of altering so defective a system of politics, are totally chimerical. These are, no doubt, unpleasant and melancholy truths, but the longer we divert our attention from them, the more will the confusion increase, the greater time shall we allow for advancing to the last extremity, and the oftener shall we be exposed to founder against those numerous rocks which lie in the way.

To save ourselves it is necessary to oppose a vast mass of opinions to the errors and agitations which prevail ; and this force must be made to act in a manner diametrically the reverse of the impulse which is given to the public mind, by those who wish to arrive at a republic by means of anarchy, or at anarchy by means of a republic : for if, in departing from the constitution as framed by our first legislators, as many steps had been made towards

wards a regular government, as the second assembly have taken towards democracy, we should at present have been at no great distance from the end that ought to have been kept in view.

This end, in my opinion, and I shall never be afraid to avow it, is a government resembling, as far as the nature of things will admit, the government of England; a government acknowledged by all Europe to be free and happy, and the reputation of which the subtle arguments of our upstart politicians will never be able to destroy. Let all the principles of liberty, civil and political, be preserved; let them receive even additional force: but, for the sake of public order, for the regular activity of administration, for the agreement and union of the different powers, for the external consideration and internal tranquillity of the kingdom, for the greater security of freedom itself, let the executive authority be invested with the necessary dig-

nity and vigour. Let a second house of legislature be established, the suffrage of which will enhance the respect due to the laws, the political dignity of which will serve as an intervening step between the monarch and the nation, and thus become a support to the majesty of the throne. In fine, let the deputies of the legislative body be required to possess a certain degree of property, that they may be connected with the state by every sort of tie. These are the essential points in favour of which it is to be wished that opinions would unite; since otherwise the French government will degenerate into a tumultuous democracy, in the midst of which there will be no other harmony but what will be derived from the despotism of those tyrants whom the blind partiality of the multitude will give to rule over us.

I am aware of the difficulties attending such an association, in the present disposition of the public mind; but as the constitution cannot remain

remain in its present form, as a republic of twenty-six millions of men is a chimerical idea, as the re-establishment of the old system is out of the question, and as the kingdom of France cannot disappear from the face of the globe, let us hence arm ourselves with fresh courage to encounter every difficulty, however formidable may be its appearance.

The principal obstacles would easily be removed, if men seriously attached themselves to their removal, and if public interest were not constantly sacrificed to private views. To these private views I will then now address myself; and this task completed my work is done. And in the first place I shall not fear to address myself to the men, above all others the most difficult to persuade, those whose attention is perpetually directed to one object, a republic, a republic cost what it will. Every day they make some step towards this end, at the same time declaring that they have given up all desire to attain it. Speaking of these

men in general, I may say, that they have as much understanding as it is possible to have without morality. They are perfectly acquainted with the game they have to play, and the sincere and bona fide constitutionalists are the instruments of their conspiracy. These last maintain with blind enthusiasm and with unremitting constancy the defects of the constitution in full vigour ; these defects annihilate the respectability of government, render its administration imbecil and impotent, and the more they are maintained, the more reason have the republicans to promise themselves success. Thus having for the perpetual burthen of their song, "the constitution, the whole "constitution, nothing but the constitution," the democracy advances with flying colours. Their coadjutors, who are more sincere in this profession, will one day regret, at leisure, the mischief they have promoted ; they will see the plots which their inactivity has forwarded, and which they have them-

felves least suspected ; their lamentations, uttered when the evil shall be without remedy, may reasonably be answered, like the grasshopper in the fable :

“ You complain of the inclemency of the winter, what did you do in the summer and autumn ? ”

Let us proceed to consider whether the calculation of the republicans themselves equals in ingeniouiness and profundity the opinion they entertain of it.

Men are misled respecting their interests by the very spirit they are obliged to assume for the completion of their views. Thus during a revolution, the intrigues and contrivance by which it is to be effected so occupy their thoughts, that they never have leisure to examine whether, if the object of their wishes were obtained, the result would indemnify them for the efforts of the pursuit. Thus the artful democrats of the present hour meditate with transport in their secret committees, the

stratagem of making use of the constitutionalists themselves, the better to arrive at a republic. They leave them the name of king with which to entertain themselves, till the fit moment shall arrive to take from them their last bawble. They admire the depth of their policy in inspiring alarm into the Parisians, and through them into their provincial imitators, sometimes by a fable artfully contrived, and sometimes by an impudent lie destitute of all shadow of probability. They admire the greatness of their generalship in causing to file off from time to time, through the midst of the national assembly, irregular bodies of men, armed with pikes and pitch-forks ; and they amuse themselves during the ceremony with watching the blank and down-cast looks with which the scrupulous friends of the constitution behold it. But enough of the various amusements that the republicans, Quakers and Jacobins, who now rule the helm, procure to themselves in the present hour ; I proceed

ceed to transport them by an abrupt transition to the completion of all their wishes, the establishment of a pure and unmixed republic: What will be the harvest they will then reap from their indefatigable labours? First, many of them, astonished at the progress they shall have made, will yet be a little mortified at finding that they were never properly in the secret. But this is a trifle: their leaders will declaim to them upon the treacherous conduct of the court, the dangerous conspiracies of the constitutionalists, the conspiracies still more dangerous of neutral men, and the wonderful discoveries of the committee of safety; and they will yield a ready assent to these representations, if it were only that they might not look like dupes. The great difficulty will be when the legislative and executive authority shall be united in the same hands, in the hands of the class of simple citizens, all equal to each other, and who come fresh from their servile canvassings to the exercise of their

ephemeron functions. The magic of authority will now be annihilated ; and, in the midst of an immense population, this will so far antiquate all ideas of respect, that obedience will be an affair of mere accident, a kind of fortunate ticket, for which the multitude of magistrates and legislators will scramble among themselves. The great difficulty above all will be, when every species of power, being united in the same point, there will no longer be two branches of government to divide the public attention. The representatives of the people will have immediately to account to the people ; and they will not be able, as now, to get rid of complaints by throwing all the blame upon the executive government and talking of the battles they have to fight. For a little while indeed, they will still appease their hungry constituents with exaggerated praise ; with describing to them the majesty with which they have risen superior to every obstacle ; with telling them, that the universe contem-
plates,

plates, the universe admires them. They will graciously consult the people before they venture finally to determine on any measure ; and they will probably throw out a bait to the most impatient, by giving them more houses to strip and more forests to fell, and by extending all the honours that are due to property, to those who are altogether destitute of property. But there are bounds to such distributions, there is a termination to fortunes divisible by the law of the strongest, there is a termination also to promises and hopes : for the nature of things is deaf and dumb, and is not to be wrought upon by the language of hypocrisy. It will therefore sooner or later be discovered, that it is impossible to bestow on twenty-six millions of sovereigns a lot proportioned to their dignity and pretensions ; and when the majority shall remark, that their condition is not meliorated, when they shall perceive that the rain still penetrates, the wind still whistles through their habitations, that
the

the price of bread and the wages of industry are not at their control, they will then discover that they have been imposed upon, they will incline their ear to new seductions, and their last friends, their last champions will find, like the preceding ones, their authority overthrown.

Let them then once more examine their personal interest, before they sacrifice to it the interest of their country, before they take another step towards absolute democracy. It is the completion of their wishes that will prove the termination of their power ; and their sole satisfaction will be the horrid spectacle of a distracted state, and a great kingdom completely overthrown. Let them at length come forth from the cloud behind which they have concealed themselves ; and if they believe from their hearts, that a republic forming a single body, or a federal republic, or a republic with the vain name of king, or any other form of government composed of the three preceding
ones,

ones, be calculated for France, let them submit their ideas to the nation, and explain themselves openly. It is inexcusable, it is highly criminal, to advance towards an object, which they carefully dissemble, by means which they dare not avow, means which daily and hourly weaken the pillars destined to support the social edifice. It is still more reprehensible to invite to this destructive operation a number of men who, though mistaken, are sincere in their sentiments, a numerous body of worthy citizens, in whose minds a continual alarm is kept up, and who, while they fancy themselves collected to quell civil tumults, are harnessed to the car of certain ambitious leaders, and made the instruments of the basest intrigue. They will be the first to call you to a reckoning, for the illusions by which they have been ruined ; they will be the first to load you with reproaches when the truth, the melancholy truth, can no longer be concealed. You may still attempt to govern

vern them, still attempt to keep them in a state of fermentation ; but there will no longer be any authority to expose to suspicion, no longer any ministers to calumniate, and your most powerful resources will thus be cut off. Then all eyes will be turned upon you, and it will be asked, are these the men whom we suffer to sway the sceptre of France ? The nation will then awake to dignified feelings, and those who in the moment of faction, have appeared conspicuous, will sink into oblivion. I can distinguish their little bark, which the furious waves lift, at intervals, almost to the skies ; but it will escape my view, when, the ocean being appeased, I have no other mode of discovering it, but by its form and its height.

Madmen then as you are, what are your hopes ? you observe that the class of the people the least enlightened, always credulous, always open to suspicion, are the most docile to your inspirations ; and you govern their thoughts and direct their opinions by every artifice

tifice in your power. You weakly imagine that, having once agitated the multitude, you can lead it as you please : but dread the fatal effects that may result to yourselves from your blind confidence, dread lest, in the general destruction, you, as well as we, should be buried under the ruins of an edifice, of which it has been your endeavour to loosen and disunite all the parts.

Be assured also, you, whom momentary triumphs lead on from project to project, from one degree of temerity to another, that, should your perfidious manœuvres , or your continued outrages, subdue the constancy and weary the life of the august chief of the state, should his heart sink under so many hardships, so great injustice and ingratitude, you would shortly see every species of indignation spring up against his persecutors. Then, but too late, would his misfortunes, his virtues, and his benefits, strike with redoubled force on the feelings of a nation, too long habituated to

com-

compassion and generosity ever to be totally lost to these qualities: Then will you see their old sentiments revive, burst out with double force, and they will hate your machinations in proportion as they become sensible to virtue.

It is a hazardous undertaking to wish to carry a political innovation to its farthest extreme. It is a singular undertaking to think of executing such an innovation with no injury to excite us, with no irritated feeling to carry us forward: we act, if I may so express myself, with the passions of the understanding and not of the heart; posterity will look in vain in our story for the principles by which we were excited, and they will learn that the most dangerous of all passions are those of which I speak, passions which are exaggerated by their subjects beyond all bounds of moderation, with the hope of rendering them similar to the emotions of sentiment and bursts of the soul.

This

This misfortune would never have happened to us, if the first legislators of France had instituted a government that should have stood a chance to live by the reasonable balance of its parts. But in our constitution all is discord, violence on one side, and impotence on another. Its structure is upon so large and loose a scale, that it is ready at every moment to fall in pieces. The ramparts of this our fortress are crowded with fanatical dupes and philosophical inquisitors, and men of prudence and moderation, the standing militia of moral truth, keep far aloof from the destructive scene.

You then, who admire this constitution, add to it what is necessary to render it durable, or it will shortly perish in your hands. How is it you perceive not, that, with a little address, with the slightest misconstruction, it may be converted either into a government without action, or into a disorderly republic? It is then in the name of liberty, in the name of that

blessing so inestimable when confined within proper limits, that all Europe solicits you to reflect upon, to adopt those principles, of which experience and political philosophy have consecrated the reasonableness and utility.

And you also ought to lend your assistance to this rational and well-conceived system, you who appear to wish only for the pure and unqualified return of the ancient government. Is it possible you should be so blind as to imagine that the sentiments and opinions of your countrymen can ever totally go back to the point from which they commenced. You have doubtless been led to this confidence by the disorders of the kingdom, by the mischiefs to be ascribed to a systematical exaggeration of the principles of liberty : but are you not afraid that you should support this exaggeration by opposing to it your own? How suppose that a government which has long forfeited the public estimation, and lost all its influence and consideration, from the manifold errors of

a suc-

a succession of ministers whose arbitrary authority it supported, and from the irresistible effect of the progress of knowledge ; how suppose that such a government should return to life, and be able to maintain itself, when all its abuses, formerly seen only in a general light, have been severally discussed ; when all its abuses, heretofore investigated only in books, or in the conversations of enlightened men, have been unveiled in the presence of the whole assembled nation, and form, as it were, the creed and familiar catechism of the inhabitants of France ? Beside, to restore the ancient government of the kingdom you must do more than restore it. A despotism of twenty years, to commence from your favourite counter revolution, and the most unsparing tyranny, would scarcely be enough to bring the project to bear. In vain then do you flatter yourselves with its practicability, even with all the forces of Europe to support you. To conquer a people is one thing ; to

defeat the efforts of reason, hourly renewed, and the energies and desires of a great nation, is another. It is unworthy of you then to take counsel of resentment, were it ever so just, in a political crisis of the most unparalleled nature, in an immense revolution that at every step expands new powers and fills a wider circumference.

There are periods in the life of nations when it becomes indispensable to consider their interest in a general manner, detaching ourselves, by an effort of mind, from the prevailing passions of the moment.

I invite those who are desirous of doing this, to reflect on the following propositions.

The ancient government of France united all the requisite means for the maintenance of the laws of property, of order and liberty, but it contained also the power of infringing them. Without exposing itself to the danger of importunate reclamation, with an arrêt of council it could reduce the interest of loans or de-

lay their reimbursement ; with a bed of justice augment or perpetuate taxes ; and with a lettre de cachet imprison whatever citizen it pleased.

The authority of the national assembly, that singular and unexampled authority established by the new constitution, has also the faculty of infringing on the laws of property, order and liberty ; but it possesses not, like the preceding governmens, the requisite ascendancy for subjecting the nation to the obedience of those laws. Frequently a decree voted at the instance of a man devoid of honour and without property, brings to our recollection the old arrêts of council against property, and lettres de cachet against persons ; and yet we are not on this account less subject to the arbitrary will of the departments, districts and municipalities, nor more secure against all the calumnies of the evil-minded and all the outrages of the multitude.

A perfect government then would be that

which should be able, by its constitution, to protect the laws of property, liberty and order, without possessing at the same time within itself the power of violating them: and of this perfection, in my opinion, we have an example in the political constitution of England.

Surely then every man of sense, every real friend to the happiness of the human race, may be allowed to do homage to this government and ardently pray that it may serve as a model to the legislators of nations. Ah ! had this government been bestowed on France, had we adopted a system at all similar to it, we should have enjoyed a better, a more genuine freedom, than that of which we so thoughtlessly boast. Tranquillity also would have prevailed and public order been maintained; the moral duties, far from losing ground, would have been perfected, and we should at this moment have been an object of affection and admiration to all Europe. Alas ! we should have been

been too happy. Struck to the soul with the melancholy regret, I feel ready to scatter my reproaches upon all the parties that have counteracted this event, but I have not the courage to reproach any party except that which is crowned with success.

I well recollect, that, towards the close of my administration, and for the purpose of precipitating that close, it was customary to say, that I was the constant obstacle to the completing the constitution ; and that I was unable to raise my sentiments to the generous expansiveness of those of our legislators. I have now shewn, without bringing into question my prudence or my imbecility, that, in this lofty atmosphere, the air is very unhealthy, and that it is deeply to be regretted for France that she was not contented to stay in the middle region. Ever did I listen with pity to the pompous discourses of these declaimers : more than once, while I contemplated their proud inebriation, more than once when I

stood in the midst of their assembly and saw their blind and unreflecting confidence, I pictured to my imagination the fatal hand recorded by the prophet Daniel, which once terrified an eastern despot upon his throne: "Thou art weighed in the balance and art found wanting."

Doubtless it was my wish to restrain our first legislators in the rapid progress of their excesses: gladly would I have erected the standard of reason, and exhibited wisdom in the most lively colours, in order to rally round these two guides those who so frequently deserted their cause: gladly would I have done this, for the sake of the tranquillity and happiness of France and for my own glory. But let us not dwell upon the past; it is a period that is for ever lost to us; it is sunk in eternal night, and our eyes which revert towards it, our regrets which so often wish to call it back, are no longer able to reach it. Think on this inexorable truth, you who have the disposal of the

the present moment, and who are anxious that it should contribute exclusively to your own renown. You artfully conceal from us the final object you have in view ; but of this we are certain that when, within the kingdom, the respect due to government shall be destroyed, and without, all the sovereigns of Europe insulted and provoked, with every species of war will be introduced, every species of confusion. It is impossible to observe without regret how a whole nation suffers itself to be misled by declamation, suffers itself to be governed by a small number of men astonished themselves at their omnipotence. It is impossible to observe without anguish so many brave men, so many virtuous citizens, vie with each other in abandoning, some their parents, others their wives and children, to defend, at the risk of their lives, not a liberty founded on general principles, not a liberty which has attracted the respect of all the nations of Europe, but a speculative liberty, defined

and consecrated by certain metaphysical pontiffs, and calculated more than despotism itself to terrify every man of prudence and moderation.

You well know what this liberty is, you who celebrate it without having any confidence in it ; you, who employ it as a stalking horse to your ardent ambition ; you, who hesitate not to offer as a sacrifice to the shrine of this idol, the repose and happiness of the present generation ; you, who would obliterate for its sake humanity and justice, every sentiment and every virtue honourable to human nature. Retire then from its altars, if you are desirous that we should love it : for all the serpents of the furies hiss around your heads ; we shudder at your aspect, and your hypocritical adoration petrifies us with horror. Ah ! who will save us from the abyss into which we are fallen ? Will the only power that perhaps has the means, render us this service ? will she endeavour to arrest in their course the projects of that

that formidable league which menaces our country, and at the same time attempt to restore us to our senses and reason ? A vulgar and short-sighted policy would no doubt dictate to that power to leave us to ourselves, and to take no interest either in our external quarrels, or our intestine divisions : but a moral and enlightened policy would give perhaps a very different counsel. Listen then to her voice, ye generous English, listen to the voice of this policy in preference to every other. Let one and the same age, adding new lustre to your destiny, aggrandize you in the eyes of posterity by three of the most brilliant public acts that can do honour to a people :

By a distinguished act of national gratitude, in resolving upon an immense sacrifice, for the purpose of indemnifying those numerous loyalists, whose fidelity to you had occasioned them the loss of their whole fortune. This have you already done.

• By a distinguished act of humanity, in prohibiting

hibiting an impious commerce so long maintained by European avarice. This have you already done.

By a distinguished act of generosity, in giving peace to your ancient rivals, and pointing out to them the road to happiness. This also you will perhaps do.

In this conduct you would find your true interest: it cannot be indifferent to you either, on the one hand, to have among your nearest neighbours a seed-plot of anarchy and political libertinism, or, on the other, to see re-established the old goverment, which has so long disquieted you. But I will not present to you a personal motive, at a time when so much better motives offer themselves and conduce to give to the desired interference the majesty and impressiveness that would be necessary. It seems as if the character of the human species would be redeemed from the dishonour in which our atrocities have involved it, if another nation, truly philosophical, should

fuc-

successfully undertake to lead us back to just ideas and reasonable sentiments. But alas ! the eagerness of my wishes misleads me. Our regeneration ought to be our own work : and France, I well know, contains in her bosom a sufficient number of sagacious minds to promise her every advantage, if these minds were not doubtful, dejected, and if we did not find them embarrassed with their situation, mixing with the audacious and the violent, as if to hide from themselves their real weakness.

Ah ! resume at length some degree of courage, and ask whither it is that you suffer yourselves to be led. Call to your remembrance that the first characteristic of freedom is independence of thought, and that of all humiliations the most difficult to support is that of being governed by men whom we despise. Above all enlist not in the service of opinions which you condemn, and at least continue sincere in your actions, though prudence will not permit you to be frank and open in your language.

guage. What a period is that in which we live ! What a spectacle presents itself on every side to our regards ! Never did there exist so wild an assemblage of artificial ideas and extravagant opinions. Those ideas and opinions gravitate towards each other and form a league to produce our ruin. O Reason, heaven-born Reason, image of the supreme intelligence which created the world, never will I forsake thy altars ; but, to continue faithful to thee, will disdain alike the hatred of some, the ingratitude of others, and the injustice of all ! O Reason, whose empire is so congenial and so pleasing to souls of feeling and hearts of true elevation ; Reason, celestial Reason, our guide and support in the labyrinth of life, alas ! whither wilt thou fly in this season of discord and maddening fury ? The oppressors will have nothing to say to thee, and thou art rejected by the oppressed. Come then, since the world abandons thee, to inhabit the retreat of the sage ; dwell there protected by his vigilance,

gilance, and honoured by the expressive silence of his worship. One day thou wilt appear again attired in all thy ancient glory, while imposition and deceit shall vanish into nothing. At that period perhaps I shall be no more; yet permit the shade of thy departed advocate to attend upon thy triumph, and in the mean time suffer my name, tarnished as it is with calumny, to preserve its place humbly inscribed at the foot of thy statue !

THE END.

NOTE by way of Appendix.

The silence of the greater part of the public papers, respecting the affairs of North America, prevented my being informed, before the present work was printed, of a change which took place last year in the political constitution of Pennsylvania. The court of censors has been abolished, and the legislative body, instead of one, is now composed of two houses: an innovation that tends to justify the general observations I have made, in the fourth chapter of the second volume, in speaking of the government of that state.

Note referred to Page 283, of Vol. II.

THIS deficiency has been concealed as much as possible, by constantly making up the account of the finances for a particular year, a mode by which the temporary resources are comprehended in the revenues. The following is a concise account of the present state of the revenue and expenditure.

Permanent revenue.

	Livres.
Taxes on property, real and personal,	300,000,000
Stamps and registers, — — — —	80,000,000
Patents, — — — —	20,000,000
Custom houses, — — — —	15,000,000
Posts and expresses, — — — —	14,000,000
Lotteries, from seven to eight millions,	7,500,000
Gunpowder and saltpetre duties, — —	1,500,000
Produce of the forests, — — — —	10,000,000
Feudal rights belonging to the public, and not yet redeemed, from three to four millions, — — — —	3,500,000
Total,	451,500,000

The taxes do not at this time produce the above sum, but may be thus calculated in a statement of permanent revenue.

In the foregoing statement the revenues of the national domains is not included, because these revenues will cease to exist, when all the assignats shall be converted into property of this sort, destined for their extinction. In the course of the present year, the amount of the assignats will equal the value of the national domains.

The arrears of the patriotic contributions, and the produce of the salt and tobacco which may remain in store, are also not included in the above statement. These are transitory resources which will cease with the present year.

Permanent expenditure.

Livres.

Perpetual annuities upon the Hotel de Ville, the Clergy, the Pays d'Etats, &c.	— — — —	85,000,000
Life annuities,	— — — —	100,000,000
Interest of that part of the debt which is said to be redeemable on demand,	— — — —	37,000,000
Church pensions,	— — — —	65,000 ,00

Pensions, annual gratifications & charities,	18,000,000
To the princes, under the titles of appen-	
nages and grants, — — — } 6,500,000	
For the war department, including the } expense of the national gendarmerie, 100,000,000	
For the marine department, — — — — 45,000,000	
For foreign affairs, — — — — 6,300,000	
Expence of religious worship, — — — — 1,000,000	
Civil list, — — — — — 25,000,000	
Expence of the national assembly, — — — — 6,000,000	
Bridges and highways, — — — — 5,000,000	
General administration, — — — — 5,000,000	
Public buildings, — — — — 4,000,000	
Bounties and encouragements, — — — — 4,000,000	
Orphans, — — — — — 3,500,000	
Academies, universities, king's garden, — — — — 1,200,000	
High national court, tribunal of appeal, — — — — 500,000	
Casualties, — — — — — 5,000,000	
<hr/>	
Total, — — — — —	612,000,000

The part of this expenditure which consists of life annuities, operates gradually to its own extinction.

The charge of public education, when settled, should be annexed to the above statement.

Should experience prove, as is highly probable, that in the new order of things, the sum of five millions reserved for casualties will be insufficient, the article under that head should be augmented.

None of the extraordinary expenses are carried into the above account, the object being to state only the permanent expenditure.

Comparative statement.

Livres.

The permanent expenditure amounts to,	612,000,000
The permanent revenues, to — —	<u>451,000,000</u>
The permanent expenditure exceeds the permanent revenue by — —	} 161,000,000

It appears to me that this statement cannot differ more than three or four millions from the precise truth.

The various expedients determined on by the national assembly are to be applied to the lessening of this deficiency.

The above calculations were made at the close of the month of April, 1792.

NOTE,

NOTE, referred to Page 285, cf Vol. II.

THE taxes on property, real and personal, amount together to three hundred millions of livres, a sum which (when divided by twenty seven millions one hundred and ninety thousand souls, equal, according to the supposition of the committee of contributions, to the population of all the departments) gives eleven livres and eight deniers for the average contribution of each individual.

Now, by dividing in a similar way the sum each department contributes by its particular population, the result will be found to vary from six livres to eighteen, without including in this comparative statement, the extreme cases. Thus while Corsica, for instance, pays no more than twenty sous for each individual, and while the departments of *Arrige* and the upper Pyrenees pay a hundred sous only, Paris contributes at the ratio of thirty two livres, and the departments which compose the ancient generality of Paris, from twenty to twenty two livres.

The degrees of population, even with the exceptions I have just made, undoubtedly do not indicate with precision the respective competency of each part of the

the kingdom. It is evident, however, that to explain the great disproportion which has been introduced between the contributive quotas of several departments, it must be ascribed to the ancient branches of some of them, and to the subsidies and high duties on salt to which others have long been subjected. Without this consideration it would be impossible to account why the most unfruitful department of Champagne should be taxed at thirteen livres or thereabouts, per head, whilst the richest department in Lorraine pays ten only, and the best in Alsace and Franche-Comté only eight. How is it likewise that the departments of Normandy bordering on the sea, not comprehending the rich departments of Rouen, should be taxed at from thirteen to eighteen livres per head, whilst the departments of Brittany, also situated on the sea coast, should pay from an hundred sous to eight livres, and that in which Nantz is comprehended nine livres only for each individual?

I am far from finding fault with the respect which has been paid to the ancient franchises of particular provinces; but why boast so frequently, and in so pompous a style, of having abolished them?

E R R A T A.

- Vol. I.** Page 1, line 14; *for pace, read space.*
29, —— 16; *for national, read rational.*
63, —— 9; *for thought read though.*
115, — 8 and 10; *for guaranteed, read guarantied.*
170, —— 2; *del. levying.*
173, —— 11; *for manifested, read manifestly.*
237, —— 9; *for corrucations, read corrucations.*
263, —— 21; *for at the source, read at the same time.*
266, —— 4; *for his, read this.*
370, —— 10; *for contract, read contact.*
372, —— 14; *del. be.*
- Vol. II.** Page 217, in the Note, *for 1751, read 1791.*

|

—

—

**THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT**

**This book is under no circumstances to be
taken from the Building**

